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The New England states,  
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THE  
NEW ENGLAND STATES

THEIR  
CONSTITUTIONAL, JUDICIAL  
EDUCATIONAL, COMMERCIAL, PROFESSIONAL, AND  
INDUSTRIAL HISTORY

WILLIAM T. DAVIS  
EDITOR

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# THE NEW ENGLAND STATES.

## CHAPTER XCVII.

### CONSTITUTIONAL HISTORY OF MAINE.

BY ROBERT TREAT WHITEHOUSE.

**T**RADITION tells us many a strange story of early wanderers and storm-driven voyagers to the shores now known as the coast of Maine. Some of these tales, too, are not unverified by history. Certain it is that over a thousand years ago the attention of European races was turned toward these regions and efforts were made to explore them. To the Northmen belongs the distinction of being the first discoverers of Maine, or indeed of any portion of this western land. Their story is no longer romance, but authentic and stirring history. In 1008 Thorfinn and his wife Gudrida set out from Greenland with three ships and a goodly company of followers, and were the first Europeans to sail along the shores of Maine.\* Again Antonio Zeno, the Venetian, in the report of his own voyage in 1380, and that of his brother Nicolo in 1391, among the islands of the North Atlantic, relates that Nicolo was driven by storms to a group of islands which he named "Frisland" (now "Faroe").† Here the Northmen, who had inhabited these islands since 861, told Nicolo of a Frisland fishing vessel which was once driven by a storm far out to the west to a country named "Estotiland," whose king persuaded the crew to make a maritime expedition to another country lying farther to the south, called "Drogeo." There they fell into the hands of a barbarous tribe and were all killed except one, who, after many adventures, at length found his way back to Frisland. He related that the country, "Drogeo," situated far to the south, was a very large country, like another world, and that it was all full of savage tribes who covered themselves with skins and lived by hunting. They had no other weapons than bows and arrows and lived among each other in constant warfare. In the ancient sea chart of the Zeni, "Estotiland" (East-outland) corresponds to Nova Scotia while "Drogeo" in another map‡ is put exactly in the locality of the state of Maine. This information "may perhaps be taken," says Dr. Kohl in his History of the Discovery of the East Coast of North America, § "as a resumé of all the knowledge acquired by the Northmen in their expeditions to the West." But all this passed and practically came to naught. No tidings of these discoveries of Northmen seem

\* Dr. J. G. Kohl, Vol. I, p. 71, Second Series. Collections of the Maine Historical Society.

† Kohl, p. 104.

‡ Lelewel's (see Kohl) Coll. M.H.S., Second Series, Vol. I., p. 106.

§ Kohl, p. 105.



to have reached the ears of their European neighbors. This western land, thus found, relapsed into the shadow, and for five hundred years remained an unknown world, so that the voyage of Columbus was indeed to an "undiscovered country."

We now come to the first grant of rights in the New World, under which title thereto was claimed by Europeans. In 1493, Alexander VI., Pope of Rome, issued a bull wherein he "gave of his own free grace to the Kings of Spain, all the isles and firme lands which they should discover towards the West." \* Under this title, by reason of the discoveries of Columbus in the previous year, Spain laid claim to the entire North American coast, from Cape Florida to Cape Breton.

England and France naturally contested the validity of such a title, but not till some years later. England, indeed, seems to have been very slow to recognize the importance of establishing title to the Western hemisphere. We find the English government barely a hundred years later laying down the maxim, "*Prescriptio sine possessione haud valet*"—a sound doctrine surely, but a remarkably forbearing one to adopt under the circumstances, since England's title to the mainland, by right of discovery, would seem equally good, if not better than that of Spain. These claims of England to title, by right of discovery, are well set forth in a manuscript, written by William Hakluyt, in 1584, known as "*Hakluyt's Discourse Concerning Western Planting*." He devotes two chapters to the subject in which he declares that, "No Pope had any lawful authoritie to give any such donation at all," and shows by authorities that Madoc, a Prince of Wales, as early as 1170, made extensive explorations to a western country, and that the Cabots discovered the mainland before Columbus saw it (August 1, 1498). †

It was in the year 1495 that John Cabot, a Venetian merchant, living at Bristol, England, and his sons laid their great scheme of a north-western expedition to Kathay before King Henry VII., who readily gave his assent to their plans and issued a patent and commission in their favor, dated March 5, 1496. This patent gave permission to John Cabot and his three sons, Lewis, Sebastian and Sancius, to sail with five ships "under the royal banners and ensigns to all parts, countries and seas of the east, of the west and of the north, and to seek out and discover whatsoever isles, countries, regions and provinces in that part of the world, wherever they might be, which before this time had been unknown to Christians."

The king gave them further license "to set up the royal banners and ensigns in in the countries, places or mainland newly found by them, and to conquer, occupy and possess them, as his vassals and lieutenants." ‡ The Cabots set out in 1497, and on this first voyage sighted Labrador, but sailed along the coast for about three hundred leagues only, and then returned. § The second voyage in 1498 was commanded by Sebastian Cabot, who coasted along the Gulf of Maine, and, indeed, along the whole coast of the United States. This great voyage has always been considered as the true beginning and foundation of all the English claims and possessions in the northern half of America. The English were the first of the western Europeans to view these shores with their own eyes and, as will be seen later, Englishmen were the first to set foot upon them. The history of New England begins with Sebastian Cabot and his voyage of 1498, and especially is this true of Maine, whose coast was particularly observed by him and clearly delineated on his chart. ||

We reach next in order of time and of importance to the subject in hand the achievements of the French. No exploring expeditions to the new world had been

\* Hakluyt's *Discourse Concerning Western Planting*. Coll. M. H. S., Vol. II., 2d series, p. 129.

† See Kohl, p. 131, and Hakluyt, p. 126. ‡ Kohl, p. 126-7. § Kohl, p. 135. || Kohl, p. 146.

undertaken officially by the French government prior to 1524. But in this year the first and greatest of French expeditions was begun under the patronage of Francis I. of France. This enlightened sovereign, in challenge of the rights claimed under the dispensation of the Pope, declared that Spain and Portugal were "quietly dividing the whole country of America between themselves," without allowing him "to come in for a brother's share." Saying that he would like to see "the clause in Adam's will that makes that continent their exclusive inheritance,"\* he sent Giovanni da Verrazano, an Italian of Florence, with four ships on a voyage of exploration and discovery. Verrazano first touched land at Cape Fear, and explored the coasts from there to Newfoundland, giving a detailed description of it all, and particularly of the coast of Maine. He called the country New France.

Although Spain and Portugal since 1492 had divided the entire country between them, and depicted it in their maps as part of their dominion, still no Spaniard by any act of discovery or possession had heretofore seized these coasts in the name of his king.† But in 1525, the year after the voyage of Verrazano, Estevan Gomez accomplished this by actual survey and by giving to the country a Spanish name, "La Tierra de Gomez," which was thus entered on their charts. The reports given by the Spanish historians of the discoveries made by Gomez along the coast are very brief. They state merely that "Gomez went along quite a large space of country which had been navigated by no Spaniard before him," and that he went as far south as Florida. It is probable that he first shaped his course north to Newfoundland, and then sailed southward. At any rate, Gomez entered many ports and bays of the coast of New England, and gave names to them by which they were known in geography for a long time. The Penobscot river was long called "Rio de Gomez."‡

In 1527 the English again sent over an expedition composed of two ships, the "Samson" and the "Mary of Guilford," under the command of John Rut. These two ships sailed toward Newfoundland, and met with "many great islands of ice," and a "marvailous great storme," in which it is thought the "Samson" perished, but the "Mary of Guilford" reached harbor, and "returned by the coast of Newfoundland, Cape Breton and Norumbega," "often," says Hakluyt, "entering the ports of these regions, landing men and examining into the conditions of the country." The name, "Norumbega," was applied to Maine during the sixteenth and the first part of the seventeenth centuries, particularly to the regions of the Penobscot, and sometimes to New England, Canada and the entire coast. This information given by Hakluyt is important, as it gives the first instance in which Englishmen are with certainty known to have set foot upon these shores. Though the Cabots sailed in sight of this coast, yet we are not told distinctly that they went on shore or reconnoitred the country. This was the last official expedition by the English for fifty years or more.

France, however, was very active in the early part of the sixteenth century. The voyages of Verrazano were followed by Jacques Cartier, the great navigator, and in his voyages (1534-1543) he accurately surveyed the coast line of the gulf of St. Lawrence and a large section of that river. §

From 1565 to 1573 the Spanish were again active in the New World. Under Menendez and others, they set up their government and erected several strong forts in the southern section, surveyed the coast, explored the islands, and re-established their claim to the whole of North America as high north as Labrador, not only

\* Popham's Town of Fort St. George. Sewall, Coll. M. H. S., Vol. III., p. 296.

† Kohl, p. 279.

‡ Kohl, p. 277.

§ Kohl, p. 320.



planting the Spanish flag in their charts over this whole territory under the name of Florida, but adopting measures of regulation for regions as far north as the banks of Newfoundland.\* But on the death of Menendez, the Spanish interests in America began to decline, and were soon effectually supplanted by the English adventurers at the beginning of the next century.† Drake's victory over the Spanish Armada in 1588 practically decided the contest, and placed Spain out of the race in the struggle for dominion in North America.

Two more events require attention before this century is brought to a close. In 1578 Queen Elizabeth granted to Sir Humphrey Gilbert a charter for planting our people in America. Sir Humphrey sailed in the same year with seven ships, one of which was commanded by Sir Walter Raleigh, but the expedition met with disaster.

In a later voyage, in 1583, Gilbert planted a small colony at St. John's, Newfoundland, but perished in a storm with his ship. In the next year, 1584, Raleigh obtained a new charter drawn more completely with a design to foster colonization. The land colonized was to be enjoyed by the colonists forever, and the colonists were to have all the privileges of native Englishmen, and were to be governed "according to such statutes as shall be by him or others established, so that the said statutes or laws conform as near as conveniently may be with those of England." These guaranties of political rights, which first appeared in the charter of Sir Humphrey Gilbert, were renewed in the subsequent charter of 1606.‡ Raleigh's heroic efforts and their failure, in Virginia (the name then given to the whole north coast in honor of Queen Elizabeth), and his subsequent fate, are familiar history. Thus ended the second era of discovery, which began with the voyage of Columbus and the Cabots. At the close of the sixteenth century not a single European settlement worthy of the name was to be found from Florida to the frozen ocean. England had not a colonial possession on the globe.§

The English were first in the field in the new century (which may be called the era of settlement) with two expeditions of a private nature. In 1602 Bartholomew Gosnold, avoiding the old circuitous route by the Azores, sailed straight across from Falmouth, very nearly to what is now Falmouth, Maine, on Casco bay, which he called Northland.|| From here he sailed south to a point just below Cape Cod, where he built a fort and attempted to found a settlement, but the colonists took to wrangling over the division of the supplies and everything had to be given up.

In the following year, 1603, which marked the death of Elizabeth and the accession of James I., an expedition was set on foot by Richard Hakluyt and the merchants of Bristol, England, consisting of two vessels commanded by Martin Pring.¶ Pring, following in the track of Gosnold, just sighted the islands off Penobscot bay, which he called Fox islands. Thence revelling in the scenery they passed on to the Kennebec, and from there through the beautiful islands of Casco bay and up the Saco river to the falls. Gorges in his history says Pring made a perfect discovery of all these eastern rivers and harbors and brought the most exact account of the coast that had ever come to hand.\*\*

To Samuel Champlain and Ferdinando Gorges belongs the distinction of setting

\* Kohl, p. 476.

† Kohl, p. 473.

‡ Narrative and Critical History of America, Vol. III., p. 108.

§ Chamberlain's Centennial Address, p. 21.

|| Narrative and Critical History of America, Vol. III., p. 172-173.

¶ Narrative and Critical History of America, Vol. III., p. 163. Chamberlain's Address, p. 24.

\*\* Williamson's History of Maine, Vol. I., p. 187.

in motion the two great powers that were to contend for the possession of the New World.\* Incited by the elaborate reports made by Champlain on an expedition from Dieppe which he accompanied in 1603,† King Henry IV., of France, in this year granted to Sieur De Monts, a Protestant gentleman, a charter conferring upon him the possession and sovereignty of the country from the latitude of Philadelphia to a parallel a little above Mt. Katahdin and Montreal.‡ He was to be lieutenant-general of this great region, with authority to colonize and rule it according to his discretion.§ De Monts set out with two vessels in 1604, accompanied by Champlain. The company was a strange mixture of noblemen and gentlemen, vagabonds and ruffians, Catholics and Protestants. They established their first colony and spent their first winter on an island in St. Croix river. But the settlement was soon abandoned, and another was begun at Port Royal, which afterwards became Annapolis, Nova Scotia, and the entire region round about was named Acadie. It would be interesting, if it were not impracticable here, to follow the voyages of De Monts and Champlain in 1604-5-6, in their careful study of prominent points, particularly Casco Bay and Saco, the settlements at Mt. Desert and Castine, their attacks on the English at Pemaquid to maintain a show of claim, and their missions to the Kennebec; but it is enough to say that the French thus sought by actual occupation to extend the limits of Acadie as far west as the Kennebec river, and that their exertions during these years gave France a good pretense of claim to two-thirds of the present territory of Maine.||

England, however, was shortly enabled to balance the claims of France, under the charter of De Monts in 1603, by the great English charter of James the First, in 1606. The immediate occasion of the English grant is perhaps to be found in an account of the voyage of Captain Weymouth in the preceding year, 1605. In that year he set out with the countenance and support of Sir Ferdinand Gorges and others, in the "Archangel," pursuing the same course which had been taken by Gosnold and Pring. He anchored off Monhegan, and the next day entered the present Boothbay, which he called Pentecost Harbor. He afterwards explored the Kennebec, planting a cross at one of the upper necks and then returned to England, taking with him five of the natives whom he had captured by stratagem and force.¶

The narrative of Weymouth's voyage was at once published and attracted the attention of Sir John Popham, chief justice, and of Sir Ferdinand Gorges, and encouraged them to enlist others of the most eminent men in England in the enterprise of establishing actual English settlements on these shores. The grants to Sir Walter Raleigh, twenty years before, had become void by his attainder, and no obstacle seemed to be in the way of another grant to any person who had influence with the crown.\*\* Gorges and Popham, and their associates, readily obtained, therefore, from James I., the grant of the charter known as the great charter of Virginia, of date, April 10, 1606. This charter is the basis on which rests the title of our race to the new world, and the guaranty of political rights contained in it constituted one of the chief grounds on which the colonists maintained the struggle which resulted in their separation from the mother country.†† The associates were incorporated by the patent into two companies under one and the same general council of government. Richard Hakluyt, and others, of the city of London, were called the London Com-

\* Chamberlain's Centennial Address, p. 21. † *Nar. & Crit. Hist. of Am.*, Vol. IV., p. 103-5.

‡ Chamberlain's Address, p. 21-22.

§ Williamson, Vol. I., p. 188.

|| Chamberlain's Address, p. 23.

¶ *Nar. and Crit. History of America*, Vol. III, p. 175.

\*\* Williamson, Vol. I., p. 195.

†† See charter in full in Popham's Memorial Celebration volume. Appendix A., p. 93-97.

pany, or the first colony of Virginia, and Raleigh, Gilbert, George Popham, and others, of Plymouth, were called the Plymouth Company, or the second colony. This charter vouchsafed a "license" to the companies to plant colonies on the American coast between the thirty-fourth and forty-fifth parallels of north latitude, each company could have a tract extending along the seashore fifty miles each way from the seat of the colony and embracing the mainland as far back as one hundred miles from the coast and the adjacent islands within one hundred miles therefrom.

The London company was confined in its choice of settlements to the southern portion between the thirty-fourth and the forty-first parallels, and the Plymouth company to the region between the thirty-eighth and forty-fifth parallels, provided that the colony last planted kept one hundred miles away from the other. In other words, the territory of the Plymouth colony, with which we are more concerned, extended from the latitude of Delaware to that of the city of Bangor, wholly disregarding, it will be seen, the claims of the French to this region which was covered by the grant of De Monts.

The one general council of government under which the two companies were incorporated was called the "Council of Virginia," and consisted of thirteen men appointed by the Crown, who were to reside in England and have the "superior management and direction," not only of the government of the colonies, but also of the entire territory between the thirty-fourth and forty-fifth parallels. There were also two subordinate councils, one for each company, residing in America, who were to govern the interior affairs of the colonies under the instruction of the king. Further than this, the charter authorized the coining of money by the colonists; the importation of all lawful chattels, armor and furniture from the British dominions for seven years, duty free; the seizure and expulsion of intruders by the colonists, and the exaction of taxes and duties for their own benefit. Moreover, all sales of land by the colonial councils were to be confirmed by the Crown and were to pass the fee; and, especially, the charter gave the following guaranty of political rights, viz., "All and every of the persons being our subjects which shall dwell and inhabit within every or any of said several colonies and plantations and any of their children which shall happen to be born within any of the limits and precincts of the said several colonies and plantations, shall have and enjoy all liberties, franchises and immunities within any of our other dominions to all intents and purposes as if they had been abiding and born within this our realm of England, or any other of our said dominions."\* Such, in brief was the great Charter of Virginia.

Sir Ferdinando Gorges, who was one of the representatives of the Plymouth Company in the general council of Virginia, as soon as the charter had passed the seals in May, 1606, sent out a ship commanded by Henry Challons, which was captured by the Spaniards.† Before hearing of this loss, however, a second vessel was sent out with auxiliaries and supplies, commanded by Thomas Hanham, and with Martin Pring as master.‡ They arrived safely at Monhegan, and, failing to find Challons, they made a careful exploration of the rivers and harbors along the coast and returned to England. Thus it happened that the London company was the first to effect a settlement by planting a colony at Jamestown, south Virginia, in May, 1607. But the Plymouth Company were not far behind, and were maturing another project at about the same time for settling a colony in their own region of

\* Popham Memorial Volume, Appendix A, p. 96.

† Richardson's Introduction to York Deeds, p. 22.

‡ Williamson Vol. I., p. 197.



north Virginia. The outlines of a colonial government were drawn, and the several members of the colonies and the officers, who were all colonists, were designated by name, so that by the last day of the same month (May, 1607) two ships, the "Gift of God," and the "Mary and John," with one hundred and twenty persons for planters were dispatched under the command of George Popham, brother of the chief justice, and Raleigh Gilbert. The latter, in the "Mary and John," sailed along the coast from Nova Scotia southward, and, on August 8th, anchored close under the Island of Monhegan, which they called St. George, where he was joined next day by the "Gift of God." \*

The next day, August 9th, being Sunday they all landed on the island, where their preacher, Richard Seymour, delivered a discourse and offered prayers of thanksgiving. This, so far as we know at present, is the first religious service held by any English or Protestant clergyman within the boundaries of New England.† On the 15th of August, after barely escaping destruction in a terrible storm, they anchored under Seguin, and from there safely entered the mouth of the Sagadahoc (Kennebec) River. After exploring this region, on the 19th they all went ashore on the mainland on the west side of river, the peninsula of Sabino where Fort Popham now stands, which they had chosen for the site of their settlement, and there religious services were again observed, the president's commission and the patent were read and the laws for the regulation of the government. This code of laws, in accordance with the provisions of the charters, was prepared and signed by King James. The form of civil government, though simple, was evidently drafted for a great state, and shows sagacity and statesmanship. This code of laws provided :‡

1. Each colony may elect associates, and annually elect a President for one year, and assistants or councillors for the same time.
2. The Christian Religion shall be preached and observed as established in the realm of England.
3. Land shall descend to heirs as provided by the law in England.
4. Trial by jury of twelve men in all criminal cases; Tumults, rebellion, conspiracy, meeting and seduction, murder, manslaughter, incest, rape, and adultery, only are capital offences.
5. In civil causes the President and council shall determine. They may punish excesses in drunkenness, vagrancy, etc.
6. All produce or goods imported to be stored in the magazine of the company.
7. They shall elect a clerk and treasurer or cape merchant.
8. May make laws needful and proper, consonant with the laws of England.
9. Indians to be civilized and taught the Christian religion.
10. All offenders to be tried in the colony.
11. Oath of obedience to be taken.
12. Records of all proceedings and judgments fully set forth and preserved, implying a right to appeal. In all criminal cases magistrates to suspend sentence till opportunity of pardon is had by king.

George Popham was president with a council of five assistants. §

The government having been thus organized, the colonists set to work in earnest, built a fort mounting twelve guns, a church and fifty houses, and laid the keel of a thirty-ton pinnacle, afterwards named the "Virginia," the first vessel built on

\* *Nar. & Crit. Hist. of Am.*, p. 176. Williamson, p. 198 and Poor's *Vindication of Georges*, p. 40, found in Popham Memorial Celebration Volume.

† *Narrative and Critical History*, vol. iii., p. 176.

‡ Poor's Address. Popham Memorial Volume, p. 71, note.

§ Poor's Address. Popham Memorial Volume, p. 72.

this continent by European hands.\* The place was called Fort St. George, Sagadahoc, but as Sir John Popham was the chief of the enterprise, it has always been known as the Popham colony. This beginning seemed an auspicious one, and the "Mary and John" left for England,† to report the good news. Sir John Popham immediately sent back the "Mary and John" with supplies for the colony, but on her arrival at Sagadahoc it was found that the president, George Popham, had died, that the winter had been unusually severe, and that the storehouse with most of the provisions having been burned, the colonists were pinched with cold and hunger. Popham had been succeeded as president by Raleigh Gilbert, but he received letters by the ship which compelled him to return to England. Upon this, says Gorges, "all resolved to quit the place and with one consent to away."‡ There is strong reason to believe that some of the colonists made their way to the neighboring region of Pemaquid, but most of them embarked in the "Mary and John" and the new pinnacle, the "Virginia," and set sail for England. "And this was the end of that Northern colony upon the river Sagadahoc."§

The records and writings of the members of the Maine Historical Society since 1860, and the celebration of the laying of the corner-stone of Fort Popham in 1862, have brought the Popham colony into much greater prominence than ever before and led to a long and somewhat heated controversy, unfortunately tinged with theological coloring, between Maine and English church writers on the one side and Massachusetts and Presbyterian writers on the other, as to whether the Popham colony or the Plymouth colony of the Pilgrims in 1620 should properly be regarded as the true historical beginning of New England.

It is possible that local pride and church feeling, together with the enthusiasm which often accompanies the restitution of honor well-deserved, but long withheld, may have pushed the claims of Popham too far, till they trenched upon the rightful position of Plymouth in historic importance. It is quite possible, too, that the animus provoked among our Massachusetts cousins by these claims was unusually bitter and sometimes unjust. It is not within the scope and purpose of this short sketch to revive this controversy. Mr. Justin Windsor, the learned editor of the "Narrative and Critical History of America," in an editorial note|| on the Popham colony, after discussing the controversy very fully, concludes, "thus a reaction, that at one time claimed the necessity of re-writing history, has, in the end, engaged few advocates and is almost lost sight of." One of our leading Maine historians, William Willis, in his address¶ at the Popham celebration, said, "We must not claim too much for this unsuccessful attempt to people a continent, but regard it as one of the steps in the grand march to colonization." Certainly no one would detract one whit from the honor due our Pilgrim Fathers for the noble spirit, the religious enthusiasm and love of liberty which carried them through the trials and hardships which their predecessors of the Popham colony, actuated more by the spirit of commercial enterprise, and unsustained by the patience and faith of women, had failed to endure.

\* Chamberlain's Address, p. 26.

†Richardson, Williamson, and Narrative and Critical Hist., say the "Gift of God" left also, Sewall says it is nowhere mentioned. Strachey says the "Mary and John" left on that date, and makes no mention of the "Gift of God."

‡ Gorges' Brief Narration found in Baxter's "Sir Ferdinando Gorges and his Province of Maine." Vol. 2, p. 17.

§ William Strachey, Me. Hist. Coll. Vol. 3, p. 308.

|| Narrative and Critical History of America, Vol. III, p. 211.

¶ Popham Celebration Memorial Volume, p. 44.

Certainly no one will deny that Plymouth was the first permanent polity or municipality, the first permanent, organized settlement established in New England, and that the blood of the Pilgrims runs through the veins of a large part of the population of New England to-day, while it is perhaps true that "No genealogical title has been produced which connects our present life with a single one of the Sabino party." \* It does not appear that these honors have ever been claimed for the Popham colony or ever can be. On the other hand, upon a careful examination of all the historical evidence available upon the point, it cannot be denied that the Popham colony, though not permanent in itself, was the first instance of organized settlement and possession of New England under a royal charter, and was the beginning of a straggling and unorganized, but continuous and persistent, occupancy of the regions about under that charter from that time on, such as to earn for Maine her motto of "Dirigo," in that she was the first portion of New England peopled by the English and was the offspring of no other colony. Moreover, this settlement under charter and continued occupancy and possessions ensuing, first successfully established the claims of the English to New England, as against the French, as will be seen. None of these distinguishing features ever have been or can be claimed for Plymouth. Where, then, is the necessary conflict?

France, as has been stated, laid claim at this time (1606) to the entire territory from the Gulf of St. Lawrence to the fortieth parallel, thus including, of course, New England and all the territory granted to the Plymouth colony by King James in the charter of 1606. The French claim was founded: 1st. On the voyage of Verrazano in 1524; 2d, on the discovery and occupation of Canada by Cartier in 1535 and following years; 3d, on the grant of Henry IV., 1603, to De Monts; 4th, on the voyages and the occupation of the country under De Monts and Champlain, and others who claimed under De Monts charter. The English claimed the same territory on the following grounds: The discovery by Cabot, 1497; the possession of Newfoundland by Gilbert, 1583; the voyages and landing by Gosnold, 1602; Pring's voyage of 1603, and Weymouth's, 1605, and the charter of 1606. There is no evidence of any French settlement in New England prior to 1607. The doctrine, "No title without possession," seemed to have been accepted by both France and England, and the controversy turned upon possession under charter. So that England, through the Popham colony, was the first to take possession of New England under charter. Moreover, the charter of De Monts, being revoked in 1607, this gave the English a doubly strong legal claim to the entire region by right of possession under charter. If it had not been for the possession and the continuous occupancy ensuing, the subsequent charters to Poutrincourt in 1610 and the settlements by the French at that time and a little later in Maine at Mt. Desert, and as far west as the Kennebec, would have given France a clear claim to the entire territory.† The voyage of Gosnold, in 1602, has little claim to consideration here, for his possession was little more than a landing, was not made under charter, and was not followed by continued occupancy of any kind, but immediately and finally abandoned.

France nevertheless continued to advance her claims to the region till in 1624 M. Tilliers, the French ambassador, claimed the territory of New England as a portion of New France, and proposed to yield all claim to Virginia and the country south as far as the Gulf of Mexico.‡ King James called upon Sir Ferdinando Gorges to prepare a reply to the claims of France, "Whereunto," says Gorges, "I

\* Justin Windsor, *Narrative and Critical History of America*, Vol. III., p. 210.

† Poor's Address. Popham's Memorial Volume, p. 74.

‡ Poor's Address, p. 75.



made so full a reply (as it seems) there was no more heard of their claim.' From the abstract of his reply, found in the Calendar of Colonial State Papers, it appears that he took no notice of the Pilgrim colony at Plymouth, but based his claims upon the charter of 1606 and the formal possession under it in 1607, with a continued occupancy and claim of title.

The importance of a settlement under charter over unchartered occupancy, as establishing the rights of nations in new territory, has been called in question by some. It is true, we may well doubt if the sovereigns of France and England, in assuming to grant this country to their subjects, had any right founded on any greater principle than the maxim "might makes right." A nation can acquire territorial rights by pre-occupancy, by conquest, or by treaty and purchase. If the occupancy of the natives here (an occupancy resembling that of the gorilla in an African forest) constituted any legal title to the land, the European nations acquired it from them by conquest or purchase, and the purchase was generally a farce which required a conquest to support it in the end. Then as between the European nations themselves, title was acquired by priority of occupancy, or possession and the ability to maintain it. "*Prescriptio sine possessione haud valet*," became the accepted doctrine. Thus it is evident the sovereign could not effectually grant and convey by charter what he had not already acquired through the possession of his subjects. Therefore, it may be argued that since according to the principles of the feudal system, the title to all lands within the realm is originally in the crown, so lands acquired by the subjects accrue to the king, just as lands left by the sea; so that mere possession by the subjects would give the nation as good a title to the land, as against other nations, as possession supported by a grant or license from the king. But this would not necessarily follow, since these settlements might have sprung from the desire to escape the government from whence they came, rather than to perpetuate and extend it. Further, such unauthorized occupancy would not be the act of the government of the nation; it would not carry the authority of the laws of that government into the territory, and could not well be regarded as a national act of colonization and possession. It evidently was not so regarded in those days. Witness all the early commissions and charters wherein it was thought necessary to obtain the royal permit to explore and take possession of the new countries, and plant settlements there, and to obtain the royal guaranty of the same political rights and immunities possessed by the subjects of the nation. Here, then, is found the importance of possession under charter. Occupancy, licensed or ratified by charters, became a national act, and the settlers the accredited representatives of their government, holding the land by legal feudal tenure under their sovereign lord, the king. Thus even a later possession, under charter, would seem to be of more importance than a previous occupancy by subjects without charter.

These charters from the crown of England are the sources of all the land titles of New England, and the charters themselves were based on the feudal system, the law of the realm from the time of William the Conqueror, and the language of court and form in England to-day. As stated in Coke's "*Commentaries on Littleton*:"\* "It is to be known that, first, there is now no land in England in the hands of any subject, but it is holden by some lord, by some king of service. Secondly, all the lands within this realm were originally derived from the crown, and therefore the King is sovereign lord, or lord paramount, either mediate or immediate, of all and every parcel of land within the realm." So with land left by the sea, and so with

\* P. 65 (a), 1628.

the newly-settled lands in America, occupation and settlement gave no rights without a grant from the crown. The province of Maine especially was held under strict feudal tenure for many years.

We now come to the great New England charter of November 3, 1620, in the eighteenth year of the reign of James I. This charter, after reciting the conditions precedent in the charter of 1606, and declaring these to have been fulfilled by the settlements made under that charter, granted to Popham, Gorges and others, as heirs, successors and assigns of the grantees of the charter of 1606, the letters patent therein contemplated. These letters patent established a corporation consisting of forty noblemen, knights and gentlemen under the name of "The Council established at Plymouth in the county Devon, for planting, ruling and governing New England in America." The grant included all the regions between the 40th and 48th degrees, north latitude, or from the latitude of Philadelphia to the Bay of Chaleurs, and "through the mainland from sea to sea." The charter created a body politic, and corporate with perpetual succession, vested with powers to fill vacancies, to elect a president and secretary, to appoint all governors and other officers needful for managing the affairs of the colony, whether in America or in England, and to establish all such laws and ordinances as might be suitable for a regular administration of justice. The corporation or council were democratic in their proceedings, and all their governors, magistrates and other authorities in the colony were directed to rule according to the orders and instructions given them under the corporate seal and signature of the president. The privileges granted in the former charter of 1606 were for the most part confirmed in this charter; such as the rights of citizenship, the exclusive trade and fishing within their territorial limits, importations from England for seven years duty free, and the expulsion of all intruders. But no coining of money was allowed in the colony, nor any Catholic permitted to settle there. This charter existed over fourteen years, and is the foundation of the numerous subsequent patents by which New England was first divided and its settlements and colonies located and limited.\*

Eight territorial patents were granted by the Plymouth Council during its existence. The first of these covering any portion of Maine was granted in 1622 to Sir Ferdinando Gorges and Captain John Mason. It included the territory between the Merrimack and Sagadahoc and was called in the patent the "Province of Maine," the first time the name "Maine" anywhere appears. The Province extended sixty miles from the seashore into the mainland, and the grantees agreed to set up a government there, and within three years to establish there at least ten families of the king's subjects with a fort and competent guard.†

In November, 1622, a royal proclamation was issued at the request of the council, reciting that the planting of New England had been much hindered by interlopers, and prohibiting all persons from trading on those coasts or intermeddling without a license from the council. A tonnage tax had previously been imposed upon the fishermen.‡ A grand scheme for settling New England by a local government was marked out and put into print. The country was to be divided into counties and to be managed by a governor and parliament and a great city was to be founded at the junction of the Kennebec and Androscoggin rivers. But this scheme was not realized.§ The council, however, did send over Captain Robert Gorges, a younger son of Sir

\* See charter in full, Appendix to Popham Mem. Volume, p. 110.

† See Patent in full, Appendix to Popham Mem. Volume, p. 121.

‡ Richardson's Introduction to York Deeds, p. 35-36.

§ Nar. and Crit. Hist. of Am., Vol. III, p. 302.

Ferdinando, as governor of New England and gave him a patent of a tract of land, which provided for a government to be administered "according to the great charter of England, and such laws as shall be hereafter established by public authority of the state assembled in parliament in New England." \* Gorges remained in New England but a short time, probably less than a year. With Gorges was sent over Captain Francis West as admiral, commissioned to restrain interlopers and to collect the fishing taxes. But he found the fishermen too strong for him and left for Virginia. The fishermen complained to Parliament and Sir Ferdinando was summoned to the bar of the House to defend the charter against the charge of being an obnoxious monopoly, against the good of the community. A bill to revoke the charter passed both houses, but the king refused to recall it. The council were compelled, however, on account of public sentiment to suspend their efforts under their charter.

The other patents granted by the Plymouth council which require mention are as follows: the first patent of Agamenticus (York), a territory of twenty-four thousand acres in all, granted to Sir Ferdinando Gorges about 1623 on either side of York river; the first Kennebec patent of the Pilgrims at Plymouth granted in 1627, and conveying lands on the Kennebec river; the Massachusetts patent granted to John Endicott and five others in 1628, covering the territory between the rivers York and Merrimack, confirmed by Royal charter in 1629 creating the company of Massachusetts bay in New England, which was at once organized with Matthew Cradock as governor, who was succeeded by John Winthrop; † grant to John Mason November 7, 1629, of the country north of the Piscataqua (New Hampshire), which left the rest of the original province of Maine to Gorges; the grant of November 17, 1629, bordering on Lake Champlain to Gorges and Mason; another grant to the Plymouth Pilgrims January, 1629, called the Kennebec or Plymouth patent (this patent was also a charter which included all the powers and ordinances necessary for the government); to planters Saco in February, 1629; the Lygonia patent of 1630 to Familists, covering a territory forty miles square from Cape Porpoise to Harpswell in Casco bay, ‡—a charter of privileges as well as a patent; the Waldo patent in 1630, of territory between the Penobscot and Muscongus, and lastly the Pemaquid patent of February, 1631, to two merchants of Bristol, Aldsworth and Elbridge, embracing over twelve thousand acres in the Pemaquid region and including the Damariscove islands and all others within nine leagues of the shore,—this was also a charter containing the power of establishing an administration of civil government.

In 1634 the old charges against the Plymouth colony as a monopoly were revived with vigor, § and in 1635 the company was forced to resign its charter, || and the king, in accepting their resignation, resolved to take the management of affairs in New England into his own hands. ¶ The affairs of the colonies were referred to a committee of the Privy Council, called the Commissioners of American Plantations. New England was to be divided into a dozen royal provinces, patents were issued for their division and the king was asked to confirm them under his own signature. Sir Ferdinando Gorges was to have the region between the Kennebec and the Piscataqua, which was to be called New Somersetshire. Most of the patentees, however, neglected their interests, and with the exception of Gorges, royal charters were granted to none. The scheme further provided for the appointment of a governor-general,

\* *Nar. and Crit. Hist.*, Vol. III., p. 304.

† *Richardson's Introduction to York Deeds*, p. 38. *Nar. and Crit. Hist.*, Vol. III., p. 312.

‡ *Williamson*, p. 238.

§ *Williamson*, p. 254.

|| *Richardson's Int.*, p. 41.

¶ *Nar. & Crit. Hist.*, Vol. III., p. 310.



who was to reside in the country either personally or by deputies. This office was given to Sir Ferdinando Gorges. It was also decided that the Massachusetts charter should be revoked and a writ of *quo warranto* was forthwith brought against the grantees, but it came to nothing.\*

In 1636 Gorges sent over his nephew, Captain William Gorges, as deputy-governor of his province of New Somersetshire, to be assisted by several others as commissioners. The Governor and his commissioners held their first meeting at Saco, March 25, 1636, and constituted the first provincial jurisdiction existing within the present state of Maine. Numerous actions, both civil and criminal, are found on the records of the court. But the records of this province do not extend beyond 1637, and it is uncertain whether the court continued to be held until the new organization of the government of Maine, a few years later, in 1640. William Gorges was recalled in 1637, on account of the representations of George Cleeves, who had gone over in 1636, and secured a large grant at Casco. Cleeves persuaded Sir Ferdinando to discharge all of his commissioners and commit the government into the hands of Vane and Winthrop, of Massachusetts Bay Colony.† But the Massachusetts men declined the service, and when William Gorges returned to England with letters from the province Sir Ferdinando decided to make Richard Vines deputy-governor, with associates. But these were provisional arrangements, for at length, on the 3rd of April, 1639, Sir Ferdinando obtained from the king, Charles I., the charter for which he had waited for years.

The king made him lord-palatine of the territory between Piscataqua and the Sagadahock, bounded by the Newichawannock (now Salmon Falls) river on the west and the Kennebec on the east, and extending one hundred and twenty miles into the mainland. This charter determined the western boundary of Maine. This territory and its inhabitants were incorporated into a body politic, and called the Province of Maine; and thus the name adopted by Gorges and Mason in 1622, but afterwards disused, was returned to the map. This was not, as has been supposed, a solitary instance of a feudal grant of this character in America; it is only an illustration of the system of government which the Stuarts considered suitable for this country. Maryland was granted to Lord Baltimore and Pennsylvania to Penn in the same way.‡

The counts palatine, originally officers of the palace of the Merovingian kings in France, were the immediate representatives of the sovereign in the administration of justice. Afterwards the title was conferred upon the original rulers of provinces or countries. Sir Ferdinando, his heirs and assigns, were made absolute lord-proprietors of the province, excepting the supreme dominion, faith and allegiance due to the crown,§ and a right to expect yearly a quarter of wheat and a fifth of the profits arising from pearl fisheries and from gold and silver mines. The articles of faith and forms of ecclesiastical government used by the Church of England were established, and to the proprietary was given the patronage of all churches and chapels and the right of dedicating them according to Episcopal usages. In concurrence with a majority of the freeholders or the representatives assembled in legislation the proprietor was authorized to establish any laws or orders which the public good required, conforming as far as practical to those of England; likewise, as proprietary-governor, he held the power to elect courts of justice, civil and ecclesiastical, for determining all kinds of causes, by sea or land; to appoint judges, magistrates and their

\* Richardson's Int., p. 41.

† Richardson, p. 42.

‡ Richardson, p. 44.

§ Williamson, Vol. I., p. 273.

officers, and to displace them; to prescribe their respective jurisdictions and frame the oaths to be taken by officers and by witnesses; also, appeals were generally allowed to him or his deputy in all cases whatsoever which could in England be carried before the king. The executive powers of the lord-proprietor were also extensive. He had the appointment of all the executive, military and ministerial officers, the pardon of all offenders and offences and the execution of the laws. He was further invested with the complete authority to arm all his provinces in defence, and to fortify, resist, conquer and occupy in all cases, according to his pleasure and the laws of war; and also amid all hostilities or tumult to execute martial law as fully as any of the king's captain-generals could do within the realm. He had a right to build or establish as many cities, boroughs and towns as he chose, to grant them charters of incorporation, appoint marshals and prescribe tolls. Moreover, he had a right as proprietor to divide his province into counties, cities, towns, and parishes, and to appropriate lands for public uses. All English subjects had free privilege to take fish in any water of the province. To all the people born in the province—whether of English, Scotch or Irish parentage—were secured the rights of citizenship as extensively as if they were natural-born subjects of the realm. But all the provincials, both citizens and residents, were required to take the oath of allegiance to the crown as though they dwelt in England. Every freeholder or tenant was to hold his lands of Sir Ferdinando, his heirs or assigns, as paramount lord of the soil. Indeed, the proprietorship thus granted was little less than an absolute sovereignty, he being merely subordinate to the Crown and to the Lord-Commissioners of Foreign Plantations. All explanations and constructions of the charter were to be made by the King's Attorney-general.

Such is an outline of this important charter, which constituted the chief government of Maine from 1639 to 1664.\* Gorges was now about seventy-three years old, but he entered vigorously upon the administration of his office in Maine.† The system he adopted was to retain the supreme executive in his own hands, to appoint a council of seven and to provide for a popular branch consisting of representatives chosen by counties.‡ He accordingly prepared commissions and a code of ordinances and instructions to be observed in the administration of the government. The state officers of the province were seven, chosen from the members of the "Standing Council" of seven. These officers consisted of a deputy or lieutenant-governor, who was the president of the board and chief-magistrate under the lord-proprietor, and held his office for three years; second, a chancellor to determine all matters of equity; third, a marshal; fourth, a treasurer; fifth, an admiral; sixth, a master of ordinance; and seventh, a secretary who was the keeper of the province seal. This office was given to the deputy-governor himself.

In sessions the council's jurisdiction extended to all cases, civil and criminal. They constituted the supreme court and judiciary. In addition to that, eight deputies were to be elected by the freeholders of the several counties, as representatives in behalf of the country who were authorized in virtue of their places to sit in the supreme court as assistant members. These fifteen formed the legislative assembly of the government. The province was also to be divided into four counties, and for the administration of justice in each county a lieutenant and eight justices were to be appointed by the executive as a court of sessions.§ Such is the substance of the Constitution under Gorges' charter. The government was proprietary, and the

\* Williamson, Vol. I., pp. 273-275.

† Williamson, Vol. I., p. 278.

‡ Richardson, — p. 44.

§ Williamson, p. 281

religion and church policy Episcopal, but no provision was made for public institutions, nor for schools. Judicial proceedings must conform to the laws of England. No provision was made for empaneling juries, yet it seems they were early in use as a part of the court.

The first general court under the charter was opened on the 28th of June at Saco, and held by Richard Vines and three others of the council. They called themselves "Councillors of Sir Ferdinando Gorges for the preservation of justice through his Province." They appointed a clerk, and eighteen civil actions and eight complaints were entered before them at the session. Shortly after, Thomas Gorges, the deputy governor, arrived. He was a young lawyer and proved himself a capable magistrate. He took up his residence at Agamenticus, which was the principal settlement in the province at that time, containing, perhaps, three hundred inhabitants. The place was incorporated in 1641 as a borough, and named Gorgeana. The governor presided at the next court at Saco, on the 8th of September, and on the 17th following it was ordered that the province be divided into two judicial districts, and that three inferior courts should be held annually at Agamenticus for the district west of the Kennebunk river, before Gorges, Godfrey and another councillor, if convenient, and three similar courts at Saco for the eastern portion of the province, before Vines, Boynton and Joscelyn. The jurisdiction of these inferior courts extended to all matters except land titles and felonies. The general court for the whole province was to meet at Saco annually in June.\*

The civil war was now raging in England, in 1643, and in that year Governor Gorges, his term of three years having expired, returned to England, leaving Richard Vines at the head of the government. At about this time Gorges' authority found a rival. In 1642, George Cleeves, above mentioned, again went to England, and about 1643 induced Alexander Rigby, "a lawyer and parliament man," to purchase the abandoned Lygonia Patent of 1630 (otherwise known as the "Plough Patent"), which covered a territory of about thirty miles on the sea coast, between Cape Porpoise and Harpswell in Casco Bay. Cleeves received a commission from Rigby, as deputy, to administer the affairs of this territory,† and the following January returned, and, going to Boston, solicited the aid of the Massachusetts government against the authority of Gorges, but the government declined to interfere. Cleeves then proceeded to acquaint himself with the affairs and interests of the province, and called a court, or rather convention, at Casco, intending to organize a government.‡ For this purpose, Rigby drew up a written constitution, which was approved by the Committee of Parliament for Plantations and transmitted to Lygonia.§ This constitution resembled the common form of government adopted by the English colonies. The proprietor styled himself president and called his representative, Cleeves, deputy-president, instead of deputy-governor. The six magistrates constituting the council were called assistants as in Massachusetts, and not councillors, as in the province of Maine. With them, in the General Assembly, sat deputies from the towns. There were also judges of a court of pleas, and this court was a unique feature of the government. In every other colony law cases were considered and determined by the governor and council, or by the councillors in county or circuit courts, or by the General Court. The assistants and judges, as well as the deputy-president, were commissioned by the proprietor. Under this patent and constitution Cleeves set up his authority as "Deputy President of the Province of Lygonia," thus extending his

\* Richardson, p. 45.

† Williamson, p. 296

‡ Nar. & Crit. Hist., Vol. III., p. 322.

§ Richardson, p. 48.



jurisdiction, it will be seen, over a large part of the Province of Maine, then under the administration of Vines as deputy for Gorges. This, of course, produced a collision, Vines and his supporters stoutly resisting the claims of Cleeves. Both parties appealed to Massachusetts, which, as before, declined to act; but finally, in 1646, after Vines had left the country, the Massachusetts Bay Government consented to serve as umpire, but no conclusion was reached. Winthrop says that both parties failed of proof, and as a joint appeal had already been made to the Commissioners for Foreign Plantations in England, the contestants were advised to live in peace meanwhile and wait the result.\* Sir Ferdinando, being active in the service of the king at that time, was in no position to protect his own interests. The committee heard the statements of Rigby and of John Gorges who appeared for his father, but Rigby's position and influence in Parliament secured a decision in his favor in 1646, and fixed the bounds of Lygonia at the Kennebunk river on the west and Sagadahoc on the east, with an extent of forty miles back into the country.† According to this decision the Kennebunk became the dividing line between the two provinces, and the only remaining settlements within Gorges' charter were practically those of Wells, Gorgeana and Piscataqua (Kittery).‡

In 1649, having had intelligence in 1647 of the death of Sir Ferdinando in May of that year, and having in vain written to his heirs to ascertain their wishes, the inhabitants formed a combination or compact among themselves, "to see these parts of the country and province regulated according to such laws as have formerly been exercised, and such others as shall be thought meet, but not repugnant to the fundamental laws of our native country." Edward Godfrey was chosen governor, the name of the "Province of Maine" being still retained. This state of things continued till 1652-53, when the towns were annexed to Massachusetts.

In the meantime the inhabitants, under the Lygonia government, quietly submitted to its authority. The administration in Gorges province possessed more system and energy, but that under Rigby was more popular,—Rigby's politics and the sentiments of his political officers being in unison with the triumphant Republicans in England and the Puritans in Massachusetts. Rigby died August, 1650, and the proprietorship of the grant fell to his son Edward.

The remainder of the present territory might properly be divided into two more portions as regards their civil governments at this time, namely, the Sagadahoc territory, and the region between the Penobscot and Passamaquoddy. The Sagadahoc territory extended from the Kennebec river to the Penobscot, and included several posts and settlements connected by no particular bond of union or government. Pemaquid, however, was the seat of government within its patent, and the chief magistracy here was in the hands of Abraham Shurte, whose administration, with a few select assistants, was rather an advisory conservation of the peace than one of distributive justice and executive command.

The fourth political division, east of the Penobscot, is well known to have been for several years in the possession of the French. They called it a part of Acadie, we a part of New England. The government here was purely of a military character. In 1651 Massachusetts first put forward her claim to the territory of Maine. The charter of the Massachusetts Bay Colony embraced all the lands "within the space of three English miles to the northward of the river Merrimack, and to the northward of any and every part thereof."§ Under this the Massachusetts gov-

\* *Nar. and Crit. Hist. of Am.*, Vol. III., p. 323-324.

† *Williamson*, p. 302.

‡ *Richardson*, p. 49.

\* *Williamson*, p. 334-35.

ernment contended that they were entitled to jurisdiction over the Maine settlements. The General Court at Boston accordingly directed an address to be prepared and sent to Gov. Godfrey and the inhabitants of the province of Maine, stating their claims, and appointed three commissioners to repair to the province and admit the inhabitants into the jurisdiction of Massachusetts with instructions to protest against all pretended combinations and governments in the province. The commissioners made the visit as directed, but returned without success. Meanwhile Gov. Godfrey convened the provincial court and sent a petition to the House of Commons, praying that their present combination be confirmed; that the same favors might be bestowed upon them as upon other colonies.

Resistance to Massachusetts as a common enemy naturally united Godfrey and Cleaves, the representatives of Maine and Ligonias, and Cleaves was chosen to take the petition to England. But the agents of Massachusetts succeeded in defeating the petition. A controversy then ensued by correspondence between Godfrey and the General Court of Massachusetts, which resulted in the appointment of commissioners, who held a conference with Godfrey and his council, but without coming to any terms of reconciliation. The commissioners then proclaimed to the people of Maine the rights of Massachusetts, denounced the authority of the professed government of the province and promised to those who submitted full protection and rights under the government of Massachusetts. This proclamation and protest was met by a counter one on the part of Godfrey and his council. During these disturbances in the province of Maine, Ligonias was in even a worse condition. It does not appear that any regular administration was revived after Rigby's death. Cleaves, as stated, had gone to England. At this point, in 1652, Edward Rigby, the heir, addressed a letter to the officers of the province, notifying them that their authority had been vacated by his father's death. This letter put an end to the expiring government of Ligonias, and left Saco, its principal town, and the other settlements to the eastward to act according to their own discretion.

At the October Session the General Court of Massachusetts received a report of their surveyors appointed the preceding summer to determine the northern boundary or limits of their patent. This report showed that the northern line as run by them terminated at Clapboard Island. The Court at once appointed six commissioners to assume jurisdiction and settle a government through the country south of the line without further debate or delay. All captains, "civil or military," within the county of Norfolk were ordered to aid the commissioners if required. Four of the six commissioners opened a court at Kittery, November 15th, sent out a summons to the inhabitants requiring them in the name of Massachusetts to assemble there for the purpose of having administration of justice established among them. On the 26th the inhabitants of Kittery formally acknowledged the jurisdiction of Massachusetts. Commissioners next proceeded to Georgeana, where they held a meeting on the 22d. Godfrey protested, but most of his neighbors were for yielding, and he finally surrendered with the rest.

The commissioners then ordained that the whole territory beyond the Piscataqua to the Massachusetts line should be erected into a county by the name of Yorkshire,\* that Kittery should be recognized as a municipal township, and that Agamenticus (which they refused to recognize as Georgeana) should be made a town by the name of York. All the inhabitants, whether church members or not, were to become free men of Massachusetts on taking the customary oath of free men, and the towns were to be entitled to send deputies to the General Court at Boston.

\* Richardson, p. 52.

A county court was to be held yearly in the town of York, and three resident associates were to be chosen to assist such magistrates or commissioners as should be appointed to preside. At the next county court, held in Yorkshire in 1653, the inhabitants of Wells, Saco and Cape Porpoise were summoned to submit to the jurisdiction of Massachusetts. The inhabitants of Wells were the first to take the oath of allegiance to the new government. This completed the submission of the inhabitants within the Gorges patent. Saco, the largest settlement in Ligonias, next submitted, together with Cape Porpoise, and both were made towns. In 1657 some of the principal people of the plantations beyond Saco were invited to attend the next county court at York, for the purpose of settling the government to the furthest extent of the Massachusetts charter. As they did not come, a warrant was issued requiring them to appear before the general court at Boston in October. As they still refused, some of them were arrested and one of them declared an outlaw. These energetic measures convinced the objectors that further resistance was useless. The remaining settlements submitted and were incorporated into two new towns by the names of Scarboro and Falmouth. These towns were declared to be a part of Yorkshire. They had the privileges of sending one, or, if they pleased, two deputies to the general court, and they were ordered to furnish themselves with the book of the laws of Massachusetts, which had previously been ordered to be distributed to every court and town in the colony. The laws, regulations and politics of Massachusetts were thus adopted by the people of Maine, and they became partakers in the administration of civil affairs. The political connection thus begun in 1653 continued with some interruptions for one hundred and sixty-seven years. The nature of this government at the time of its acceptance by Maine, therefore, requires some extended mention.

According to the articles and provisions of the Massachusetts Colony charter, the government was administered by a governor, a deputy-governor, a council of eighteen assistants and a house of deputies, all of whom were chosen by the free suffrage of the people.\* Freemen only were voters. The governor, deputy-governor, major-general of all the militia, the county treasurer, secretary, admiral and two commissioners of the united colonies were called general officers, and were annually elected by the freemen at large. The deputies or representatives of the General Court were elected by towns. No town could send more than two. A town might elect any freeman within the colony as its representative. Under the colonial charter the whole number of deputies in any one year never exceeded fifty-two, nor were less than twenty-five. Maine, at no time after the connection, returned more than four, or possibly five, though a greater number of towns were at times represented.

The judiciary power was vested in three tribunals—1st, the Court of Magistrates, or assistants; 2nd, the County Courts; 3rd, the single magistrates, or three commissioners' court; the Court of Magistrates, consisting of the governor, deputy-governor and assistants, was the highest judicial tribunal in the colony, having jurisdiction of all capital crimes, divorces and appeals of inferior courts. Their sessions were held semi-annually in Boston. The County Court was held by the resident magistrate within the shire, or such other magistrate as the General Court might designate, assisted by four such freemen of worth and intelligence in such county as the towns in their annual meetings might nominate and the legislature approve and commission—called associates. The sessions of this court in Maine were held twice every year.

The third and lowest judicial court in the colony had jurisdiction of all civil

\* Williamson, p. 372.



controversies within the county where the sum demanded did not exceed forty shillings, and it might fine in criminal cases to that amount. It was held by a single magistrate, without a jury, in the town where he resided. Three commissioners also, if necessary, were appointed by the county court in towns where no magistrate resided, to decide these small causes. Appeals lay from decisions in these petty tribunals to the county court.

The county officers were: First, a marshal, who was the executive officer of the county; second, the county treasurer; third, a clerk or recorder of the shire. The town officers in these early times were: First, the select men; second, the constables; third, the clerk of writs, who kept the town records; fourth, the surveyors of highways; fifth, the sealers of weights and measures; tything men.

The military was an important department of the government. All able-bodied freemen, and others who had taken the oath of residence, belonged to the train bands—those in a town formed a company, and those of each county formed a regiment.

The General Court legislated upon almost every subject which could affect the welfare of the people. The laws of 1641, with one general sweep, did away with all impediments to the alienation of property, all feudal burdens upon lands within the jurisdiction of the court were wholly done away with. Liberty and equality were the corner-stone of the whole civil system. Slavery was prohibited. Matters of church and religion were given special attention. By an ordinance of 1654, after the submission of Maine, where less attention had been paid to religious instruction than in some other parts, every country town was ordered to appoint the support which a town or congregation should render their minister, and if not voluntarily paid, it was to be assessed and collected like ordinary taxes. To affirm that a man is justified by his own works and not by Christ's righteousness, to deny the immortality of the soul, the resurrection of the body, the morality of the fourth commandment and the authority of the magistracy, were harshly defined in a law of 1644 as "damnable heresies," tending to subvert the Christian faith and to destroy the souls of men. Thus early did the refugees from religious oppression in turn become themselves intolerant.

The General Court assailed with severe ordinances the Baptists, Jesuits, and particularly the Quakers, whom they designated as a "cursed sect of heretics." In 1652 it was made heresy to deny that the Books of the Old and New Testaments were the infallible word of God, punishable for the first offence by fine or whipping, and for the second by banishment or even death.

The criminal code was severe. Not only murder, robbery, treason and arson, but also blasphemy, heresy and idolatry, perjury, adultery and the striking at a parent by a child of sixteen years or upwards, were capital crimes. There were numerous other punishments, such as the pillory, branding, cropping the ears and whipping.

The money current in the early periods of settlement was inadequate for the wants of the people. The Legislature at one time, in consequence of its scarcity, made corn, fish, and other products legal tender at rates prescribed by law. Wampum was also made currency in all debts not exceeding forty shillings.

By a law of 1647, the General Court required every town of fifty householders to employ a teacher a sufficient length of time to instruct their children in reading and writing, and in every town of one hundred families, a grammar school was to be kept where youth might be fitted for college.

In 1646 a system of taxation was established, consisting of a single tax of a fixed

sum, of which every poll or male sixteen years of age or upwards paid twelve pence, and twenty shillings worth of property paid a penny.

As the people of Maine were only the subjects, not the projectors of these legal regulations, they felt no desire for their enforcement beyond what appeared conducive to their prosperity and happiness. Influenced by a spirit of independence, and anxious for an equality of rights, they were generally friends to religious toleration. A single instance of religious persecution, which was expulsion merely, is all that can be found to stain her records, and education was largely free from elements of superstition.

Such was the civil and political status of Maine in 1660, when Charles II. was restored to the throne of England. This event revived the hopes of the heirs of Sir Ferdinando Gorges, who had been a devoted follower of the king to the last. Accordingly, young Ferdinando, grandson of the old proprietor, in that year presented a petition to the King in council and to Parliament, which was referred to a legislative committee of seven. This committee reported, in 1661, in favor of Gorges as against Massachusetts,\* and the following year Gorges sent his agent, Mr. Archdale, into Maine, and appointed magistrates to act under his authority,† but the government of Massachusetts immediately repressed all such movements. In January, 1664, Gorges obtained from the king an order to the governor and Council of Massachusetts, by which they were required to restore Gorges' province to him at once, and give him quiet possession of it, or else without delay assign their reasons for withholding it. In March, 1664, the king granted the province of New York to his brother James, the Duke of York, and included in the same grant all the territory between St. Croix and Pemaquid and its dependencies. This was known as the territory of the Sagadahoc. In April of the same year, in order to settle the controversies in the interior of New England,‡ the king appointed four commissioners, and empowered them to hear and determine all complaints, appeals and other matters coming before them, whether civil, military or criminal, "according to their good and sound discretion," and thus "settle the peace and security of the country." It is difficult to see how, under such limited powers as these, the commissioners justified their subsequent proceedings.

Having settled the government of New York, the commissioners proceeded to Boston in February, 1665, where they were received with undisguised jealousy, and soon encountered direct opposition. A conference between them and the General Court soon degenerated into downright altercation; to such a height were the debates finally carried, setting up the commission on the one side against the Massachusetts charter on the other, that the commissioners thought it best to break off the discussion. Commissioner Nichols returned to New York and the other three left abruptly for Maine and Sagadahoc, denouncing the government and colonists of Massachusetts as rebels and traitors. The commissioners spent about two months in the province, principally at York, Scarborough and Falmouth, in settling, or rather revolutionizing, the government.

The position and authority assumed by the commissioners were arbitrary, unwarrantable and indiscreet. They assailed both the charter of Gorges and the authority of Massachusetts, and endeavored to intimidate and cajole the inhabitants into signing a petition to the king for a new colony charter, and obtained some signers. They instituted a form of government consisting of a general assembly of deputies from the several towns to be held at York, as the seat of government. Both

\* Williamson, p. 402-3.

† *Nar. and Crit. Hist.*, Vol. III., p. 324.

‡ Williamson, p. 409.

the men and their measures were very unpopular. Massachusetts inveighed against them, charging them with a violation of their own commission, for no official acts of the commissioners were to be valid without the presence and approval of Nichols, who had remained in New York all this time. Neither were they to disturb any established patent rights, nor in any event interrupt the ordinary course of justice. The General Court, also, by way of remonstrance, laid the conduct of the commissioners before the king, pointing out their transgressions.

The commissioners next proceeded to the Duke of York's territory of Sagadahoc, or New Castle, as the Duke's agents termed it. Here they erected the whole territory into a county by the name of Cornwall, and established a form of government consisting of a chief constable, three magistrates or justices of the peace, and a recorder. These three magistrates, assisted by three others from the province of Maine, constituted a court for the trial of causes. The Duke of York, who was afterwards James II., continued his claim to this Sagadahoc territory about twenty-five years, until his abdication, when it reverted to the crown of England. From Sagadahoc the commissioners returned to York and then to Boston, whence they were recalled shortly after in 1666.

Such were the chief features of the civil administration of the royal commissioners. They were unacquainted with the people, their wants and the political remedies needed, and they formed no regular system of government. No provision was made for legislation, trial by jury, military defence, taxation, religious instruction or the education of youth. In short, their whole management gave proof of their incompetency to fulfill the important trust which had been reposed in them.

By the end of three or four years after the king's commissioners were recalled, the affairs of Gorges' province had relapsed into a state of anarchy. His supporters entertained no great affection for this new, nondescript administration. The justices appointed were not the most popular men, and their attempts to discharge their duties were often unsuccessful, for the validity of their authority was called in question. Accordingly, in 1668, the principal men of the province petitioned the government of Massachusetts to be again taken under their jurisdiction. The General Court complied, and appointed four commissioners to hold courts in York, according to former usage, and commanded the people of the province to yield again all due obedience to the laws and government of Massachusetts. These commissioners, accompanied by military escort, arrived at York the following July, where they met with considerable opposition on the part of the magistrates appointed by the royal commissioners, and some of their supporters, but the Massachusetts commissioners prevailed, and assumed jurisdiction by virtue of their charter. Massachusetts conducted a regular and tranquil administration of affairs in Maine for the next eight years. Still the claimants of the territory, especially the Duke of York and Gorges, gave her considerable anxiety. In 1676 the claims of Gorges were revived with vigor by himself and his friends, to obtain a recognition of his title, and at length they so far prevailed as to procure letters from the king in March of that year, requiring the Massachusetts colony to send over agents with full instructions to answer all complaints. The agents accordingly appeared, and, after a full hearing before a committee of the privy council, it was decided that neither Maine nor New Hampshire was within the chartered limits of Massachusetts; but the question as to who was the rightful owner of the province of Maine was left in abeyance. To avoid further controversy and trouble, Massachusetts resolved to purchase of Gorges, if possible, all his interest in the province. Accordingly, without awaiting the result of any further discussion about the ownership, she appointed an agent, who, though



the king himself was in treaty with Gorges to obtain it, soon effected a purchase, and took an assignment of the province, May 6, 1677, for £1,250 sterling. The instrument, which was of great length, described the parties, expressed the consideration, gave the limits and boundaries, as set forth in the original charter to Sir Ferdinando, and transferred the territories with "all royalties and jurisdiction, ecclesiastical, civil, admiralty and military, and all the privileges, governments and liberties" granted by that charter. Massachusetts thus became lord paramount of Maine.

The purchase of Maine by Massachusetts greatly displeased the king, who reprimanded the agent of Massachusetts for his disloyal interference and required him to assign the territory to the Crown on payment of the sum given.\* The king even pressed this demand in a letter to the colony, but without effect. The government of Massachusetts pursued their course without interruption in the administration of the affairs of Maine.† The General Court during its spring session admitted, as usual, three associates for the county of Yorkshire, and appointed Thomas Danforth to preside in the courts of the county for the ensuing year. At the adjournment in October, 1678, the late purchase was formally ratified and confirmed by the General Court. At the October session, 1679, the great question as to how the province should be governed was made the subject of legislative discussion. It was claimed, on the one hand, that all the assignable rights and interest of Gorges were pecuniary and not political; that allegiance was personal, and civil power rested in an individual was not transferable; and that a public functionary could never delegate his authority, but other arguments prevailed. For the Royal Charter to Sir Ferdinando passed to him or his heirs and assigns, "the jurisdiction as well as the property." Massachusetts had, by legal purchase, become the assignee and proprietor of the province, as Lord Baltimore was of Maryland, and the Penns of Pennsylvania. Still, it was plain the province must be governed according to the provisions of its charter and not as a constituency of Massachusetts, because Massachusetts had by the purchase recognized a right in Gorges, and furthermore the northeasterly limits of the territory of Massachusetts had, by a late decision in 1627, been restricted to an imaginary line three miles from the mouth and north bank of the Merrimack, so that Massachusetts could not fall back on her old claim of right.

It was decided, therefore, by the General Court, February, 1680, to assume the royal charter granted to Sir Ferdinando Gorges, and, in conformity with its provisions, to frame a civil administration for the province. For this purpose the general oversight and direction of its affairs were committed to the governor of the colony and Board of Colony Assistants, who established the following form of government, viz.: A provincial president, chosen by them from year to year, and two legislative branches, the upper one a standing council of eight members and the other a popular delegation, consisting of deputies chosen by towns as in Massachusetts. The standing council, who were to be appointed by the Board of Assistants and continued in office during their pleasure, were to be the judges of a supreme court and magistrates through the province. The legislative body was to meet at least once a year.‡ The president, according to the charter, had the power of appointing all militia officers, the marshal and all justices of the peace.§ He presided in the Council, which, as stated, was the supreme court of judicature, and in the enactment of laws his approbation was requisite. After the first year the towns were represented in the General

\* Williamson, Vol. I, p. 554.

† Williamson, p. 558.

‡ P. 555.

§ Williamson, p. 568.

Assembly by deputies, and full powers for the regulation of the affairs of the province appear to have been given to the legislative body. Its proceedings, however, were of a very mixed character. Laws were not only made and enforced, but legal questions settled, letters of administration granted, wills proved, roads laid out, military commissions issued, provisions made for public safety in case of war, the religious affairs of towns superintended, and, in short, every subject of public and many of private interest, according to the custom in Massachusetts, came under the cognizance of this body. The charter, as a whole, was generally acknowledged to be excellent, containing more privileges and less restrictions than any other of similar character, which had received the royal signature.

In 1683, the hostility to the Massachusetts colony engendered in the mind of Charles II. by their purchase of Maine, culminated in his vigorously assailing their charter.\* Additional charges, such as the illegal coining of money, violations of the laws of trade and navigation, and legislative provisions repugnant to the laws of England and contrary to the powers of the charter, were now alleged against the colony. The agents of the colony and the emissaries conducted numerous interviews with apologies on the one side and requisitions on the other, but nothing would satisfy the crown but the subjugation of the colony. The royal prerogative, indeed, was offered to all charters. A *quo warranto* against the company was issued in 1683, and finally, by a new suit of *scire facias*, brought in the Court of Chancery, judgment against the company was obtained October 23, 1684. Shortly after, in 1685, Charles II. died, and James II. was proclaimed king. The following year, the colony charter having then expired, the king issued a commission to Joseph Dudley as president of Massachusetts, New Hampshire, Maine and Rhode Island, and to assist him in the administration of government, fifteen mandamus councillors were appointed by the crown. To the president and council were committed the power of managing and directing all the political and judiciary affairs of these several colonies, without any house of deputies or other co-ordinate branch of government. A majority of the council constituted the Superior Court, which was to sit three times in the year for the whole country. The county courts were to be holden by a member of the council, assisted by associate justices, commissioned for the purpose, from whose decisions appeals were allowable to the council. In general, all legal usages were observed, but Dudley's administration was short and unpopular. It lasted only about five months, when he was superseded by Sir Edmund Andros, who received a new commission in 1688, appointing him captain-general and vice-admiral over the whole of New England, New York and the Jerseys. His council consisted of thirty-nine members, any part of whom constituted a quorum.

The commission blended the several departments of government, legislative, executive, and judicial; admitting the interposition of no popular branch and prescribing no particular form of administration. Nor were the governor and council guided by any other instructions than those of their own will and discretion. Statutes, taxes and land titles were all subject to caprices and commands.

Andros began regularly enough. He sanctioned all colonial laws not inconsistent with his commission; directed taxes to be assessed according to former usage, and ordered a regular administration of justice according to former practices and customs of the country. But he soon proved himself a despot and the object of general unpopularity and execration. He was bent upon the unlimited exercise of power and the acquisition of wealth. He seldom convened more than six or seven

\* Nar. and Crit. Hist. of Am., Vol. III., p. 320.

of the council on any occasion. The people were allowed to meet in their primary assemblies only once in a year, at the usual time of choosing their town officers. Those worshipping in the congregational way, rather than after the fashion of the Church of England, were threatened with the loss of their meeting-houses unless they reformed. The press was restrained and land titles were directly assailed. The doctrine was promulgated that the inhabitants must have new patents of their real estate. Old deeds, it was said, would not be valid after the charters were vacated. To obtain a good title under the present administration it was necessary to file a petition, describing the lot and the claims and praying for a confirmation, large fees being exacted in the process. Sometimes it cost thirty pounds to obtain a single deed, all of which emoluments were divided between Andros and his deputy. The administration of Andros lasted only a year and six months. Unfortunately for his purposes, the people whom he attempted to govern in this despotic fashion were imbued with the principles of liberty, civil, religious, and rational. They could not long be expected to submit to laws in making which they had no voice; to taxation without their consent, to intrenchments upon the rights of conscience and the title to their homes. By the spring of 1689 a strong murmur of discontent had spread throughout the community, and when, a little later, it was rumored that the governor's guards were to be let loose upon Boston, their half smothered indignation broke forth.

Early in the morning of April 18th, the populace threw the governor and thirty of his most obnoxious supporters into confinement. Next, through the solicitation of the towns-people and those who rushed in from the country, Simon Bradstreet, late governor of the colony, and Thomas Danforth, late deputy-governor and president of Maine, and thirteen other men of distinction, were induced to form a provisional government and direct the revolutionary changes. They finally prevailed upon Andros to surrender the keys of government. A general convention of the people assembled April 20th for the purpose of considering the state of public affairs, and appointed Messrs. Bradstreet and thirty-five others "a council for the safety of the people and conservation of the peace." On recommendation of this council, delegates were chosen by towns to the number of sixty-six. These convened in assembly, May 2nd, confirmed the new provisional government and advised a meeting of the General Court, which was held at Boston on the 22nd by representatives from fifty-four towns. In this session the house decided "to resume the government according to charter rights," and Bradstreet, Danforth and the assistants chosen in May, 1689, accepted "the care and government of the people according to the rules of the charter, until by direction from England there be an orderly settlement of government." The Council of Safety, May 15th, confirmed the former councillors of the Province of Maine, all of whom were afterwards established in their official trust by the General Court on the 24th of the month, and Danforth was restored to the office and authority of provincial-president. The council were "empowered and directed to consult, advise, determine and put in execution whatever they should judge necessary for the public peace and safety and the common good in the present exigency of affairs or upon any emergency which might occur within the province, and all the officers and people therein were commanded to observe the orders of the President and Council."

The people of Massachusetts, however, were so strongly attached to the colonial charter that they sent three agents to England, and employed Sir Henry Ashurst for two years to urge their cause before the king in council, for its restoration with some additional privileges. But their pleadings were in vain. A new draft of a



charter was reported in June, 1691, by a Committee of Council and shown to the agents, who presented written objections on several points. Its provisions were fully discussed by the committee and the agents, and on the return of King William (James II. having abdicated in 1689), three months later the "Charter of William and Mary" or the "Provincial Charter" passed the seals October 7th, 1691, and received the royal sanction.\* This was the celebrated instrument, which for eighty-nine years after formed the constitutional foundation and framework of civil government for the united territories and people of Massachusetts, Plymouth, Maine and Sagadahoc,—collectively called "The Royal Provinces of Massachusetts Bay." The Province of Maine, in consequence of its purchase, was made a constituent part without objection, according to the boundaries in the charter to Gorges, together with the five northerly Isles of Shoals as originally belonging to his patent. The country situated "between the river Sagadahoc or Kennebec and Nova Scotia and extending northward to the river of Canada," or forty-eight degrees of latitude, was inserted in the charter without any specific name, though usually called the Province of Sagadahoc, but embracing, of course, a much larger tract than the original Ducal Province of Sagadahoc, since it now included all of the Penobscot region.

The civil history of the Ducal Province of Sagadahoc from the time we left it when the Royal Commissioners assumed the government of it in 1665, may be briefly traced as follows: Massachusetts in 1674 established the county of Devonshire there, and in the same year the Duke took a new patent; Andros was made ducal governor and assumed possession in 1680. In 1683 he was succeeded by Governor Dungan, who managed it by agents. Andros' commission as governor of New England in 1686 included Maine and Sagadahoc. In May, 1689, Massachusetts took the government from Andros. In 1691 it was embraced in the charter of William and Mary.

The Penobscot region (*i. e.*, east of the Penobscot river) can scarcely be said to have had any civil history up to this time. It changed hands too frequently. It was embraced in the New England patent of 1620; after the treaty of St. Germain's in 1632 it was claimed by the French as a part of Nova Scotia; in 1654 it was reduced to possession by the English and the government of it given to Colonel Temple; under the treaty of Breda it was claimed and possessed by France again as a part of Nova Scotia; in 1688 it was seized by Governor Andros and re-possession of it by the English completed in 1690, and it was embraced by the charter of William and Mary in 1691. It was again claimed by the French as a part of Nova Scotia under the treaty of Ryswick in 1697, and again recovered by the English in 1710, and the charter of William and Mary ever after made effectual, as far east as St. Croix, the original extent of jurisdiction claimed.

The charter of William and Mary was brought here from England by Sir William Phips, the first royal governor, and went into operation on the fourteenth day of May, 1692.† As above shown, it embraced all the present territory of Maine. As the political connection between Maine and Massachusetts proper continued for about one hundred and thirty years after this, it becomes important to give some general outline of the government under this charter. It resembled in its features the government of England, and its departments were nearly as distinct. The governor, lieutenant-governor and secretary of state were appointed and commissioned by the Crown, to hold office during the pleasure of the sovereign. The governor was chief magistrate and invested with supreme executive authority. He had power

\* Williamson, Vol. I., p. 600.

† Williamson's History of Maine, Vol. II., p. 9.

to convene, adjourn and even dissolve the legislature, and to nominate and with advice of council appoint all judges, sheriffs, justices of the peace and other civil officers, their names being first placed several days on a nomination book. The governor and council held jurisdiction of all probate matters and the right of drawing by warrant from the provincial treasury all appropriated public moneys. The governor as captain-general was empowered to organize the militia and appoint and commission all military officers. He could negative as many as thirteen of the councillors chosen and also the speaker of the house, if they were displeasing to him—a prerogative often exercised by him in times of close party contests. The two legislative branches, after organizing in the spring, were usually addressed by the governor in a speech; at other sessions his communications were by written messages. He presided at the council board, and no law or order passed by the two houses, or either, was valid until affirmed by him. The lieutenant-governor always filled the executive chair when the chief magistrate was absent, but at other times, during a series of years, he sat and voted with the council. The legislative power was vested in two distinct branches, each having a negative upon the other. The upper house was called the council or board of assistants, consisting of twenty-eight members; the other was the house of representatives.

The council were annually chosen on the day of the general election in May by the members of the old council and the new house of representatives, assembled in convention. Seven constituted a quorum. They formed but a co-ordinate branch of the General Court and an advisory council of the governor. Also when the offices of governor and lieutenant-governor were vacant, a majority of the council exercised the executive power. There were many instances during the Revolution when commissions were signed by fifteen councillors. By the charter three of the council were always to be taken from the province of Maine, and one from Sagadahoc, who must at the time “be” inhabitants or proprietors of land within “the territory” which they were chosen to represent.

The House or other branch of the General Court consisted of representatives elected by the towns. The warrants for the first session, in 1692, called for “two and no more from each town.” In this legislature eight representatives appeared from Maine, the four principal towns each sending two. But no town in Maine afterward for sixty years returned more than one member to the House. Some of its towns, however, were always represented during this period, except in 1697, though the combined delegation from Maine never exceeded ten or eleven. The entire number of the House for the first ten years was usually between sixty and eighty. It did not exceed one hundred members till 1735. Forty constituted a quorum.

To this General Court, composed of these two branches above described, was given full power to establish, with or without penalties, all necessary and reasonable laws, not repugnant to those of England, to appoint annually such civil officers as were not otherwise provided for by charter, and to levy taxes. But all such orders, laws, statutes and ordinances, as soon as possible after enactment, were to be transmitted to the king for his approval and signature, but if not expressly disapproved within three years it became a law by lapse of time. This process, though attended with some inconvenience, yet had its beneficial effect in that great pains were taken to make the enacted bills perfect, and a needless multiplication of them was prevented. However, in order to avoid sending all small legislative measures across the Atlantic, the General Court often acted by “Resolves.” Here is found the origin of the resolves of our legislatures of to-day, though the reason for it has long since ceased.

The General Court was authorized by the charter to erect courts of justice for

the trial of all cases, civil and criminal, within the province, and they immediately effected a thorough revision of the judiciary department. The following judicial tribunals were established, viz: A Superior Court, Common Pleas, Quarter Sessions and Justices' Courts, and, afterwards, Probate, Chancery and Admiralty Courts. The Supreme Court consisted of one chief justice and four associate justices, any three of whom formed a quorum. It was a tribunal of law and justice in all civil and criminal cases throughout the province, and of assize and "gaol delivery" in each county. After the statute took effect, which was not till about three years later, it was found not to be sufficiently broad and explicit in its practical operation, and another was passed in 1699, which included appeals from lower courts, reviews and writs of error with as full jurisdiction for all purposes as the Courts of King's Bench, Common Pleas and Exchequer had in England.

An inferior court or Common Pleas was established in each county, consisting of four judges who had cognizance of all civil actions arising within the county limits and triable at common law. Appeals lay from the decisions of this court to the next Superior Court sitting in the same county.

The Court of General Quarter Sessions of the Peace was held by the justices of the peace within the county at the same times and places with the Court of Common Pleas. Their jurisdiction empowered them to "hear and determine all matters relating to the conservation of the peace and punishment of offenders, cognizable by them according to law." Appeals were also allowed from this court to the Superior Court.

Justices of the peace were civil officers known under the charter of Gorges, but not hitherto in the colony of Massachusetts. An indefinite number were now appointed and commissioned for each county, by the Governor, with advice of Council, to hold their offices during good behavior. Each one had jurisdiction of all civil causes to the amount of forty shillings and of all criminal offences, such as assaults and batteries, violations of Sabbath, drunkenness, profanity and other breaches of the peace, and also power to commit to a higher tribunal if the crime was heinous.

Probate business, until the charter was vacated, was transacted in the County Court, but under the new provincial charter a judge and register were commissioned by the executive during good behavior for each county, practically the same provision as exists to-day. Any appeal made from this court, however, went directly to the Governor and Council instead of the Supreme Court of Judicature.

A Court of Chancery was established with power "to hear all matters of equity not relievable at common law." It was held in Boston by three commissioners, assisted by five masters in Chancery, all of whom were appointed by the governor and council. Thus it will be noted that full equity jurisdiction existed under this charter, a jurisdiction which it has taken Maine and Massachusetts nearly two hundred years to regain, for until recently equity jurisdiction here was only special and limited.

There was also an American Vice-admiralty Court, the judge of which was appointed by the crown or by the high admiral of England. Besides this there was a provincial Justiciary Court of Admiralty, held by the governor and council, sitting with the judge of the Vice-admiralty Court and the secretary of state, for the trial of piracies and other crimes committed on the high seas.

From any decision of the provincial courts in any personal action where the matter in difference exceeded three hundred pounds sterling, an appeal was allowed by the charter to the king in council.

To be entitled to the right of suffrage, a man must be twenty-one years of age



and own an estate worth forty pounds sterling, or a freehold which would yield an annual income of forty shillings. All Christians, except Papists, were expressly allowed by the charter "liberty of conscience in the worship of God." In behalf of education it was provided by a new law that every town of fifty freeholders should be fined that failed to employ a schoolmaster constantly, and in towns of one hundred families the instructor must be capable of teaching the sciences and learned languages.

The political axioms of this period, drawn up into a statutory bill of rights and passed in 1692, show more clearly the prevailing sentiments and intelligence of the community. The bill provided that no one should be deprived of his liberties or rights except by the judgment of his peers or the laws of the land; that justice should never be sold, denied, or deferred, nor any one be twice tried or sentenced for the same offence; that all trials should be by juries of twelve men or by prior established law; that bail should always be allowed, except in cases of treason and in capital felonies; that writs of habeas corpus shall never be prohibited, "nor shall any tax be levied or laid upon the people without an act of the legislature."

As regards the code of punishments for crimes and offences, which are always an indication of the character and civilization of a people, we find some advance since the days of the colony charter, though not much. Idolatry and heresy, which had formerly been capital, were no longer considered offences punishable by law. It is to be regretted that a statute was re-enacted against witchcraft, more particularly since the penalty was death. This was the period (1692) of the Salem witchcraft craze. No record of any conviction for this crime, however, is found in Maine. Though torture was no longer found among the penalties and punishments, yet maiming the persons of criminals seems to have been largely in vogue. The foreheads of convicts were branded, their ears cut off or nailed to a post, and the tongue of a convicted blasphemer was perforated with a red-hot iron.

Such is a brief outline of the great provincial charter of William and Mary. The government of the province continued thus without any material constitutional change till 1774. In that year the destruction of the tea by the colonists in Boston harbor greatly angered the British Ministry, who considered the act an outrage upon the national government, and the king made the transaction the subject of a special message to both Houses of Parliament.\* Three statutes were hurried through Parliament. The first closed the port of Boston to all trade; the second so altered the provisions of the Massachusetts charter as to vest in the crown the appointment of thirty-six councillors instead of the twenty-eight annually chosen by the two branches of the General Court and convention. The provincial governor was also empowered to appoint and remove at pleasure, without the council's concurrence, all judges, sheriffs and justices, and to disallow all town meetings except those that were ordained by standing laws. Further, all jurymen who had been by law drawn in open town meetings from the jury boxes were to be subsequently selected, summoned and returned by the sheriffs at their respective counties. The third statute provided that if any officer, in the act of executing the laws, or any person aiding him therein, should be charged with murder or other capital offence, he might be sent for trial to another colony, or even to England.

In June, 1774, Governor Gage dissolved the General Court, and from October 7th of that year to July 19th, 1775, nine months and thirteen days, the province was governed by provincial congresses, composed of delegates from all the principal towns of Maine and Massachusetts. They chose presidents and secretaries, received peti-

\*Williamson, Vol. II., p. 408.

tions, passed resolves, designated committees and managed the political affairs of the province, but made no laws. July 19, 1774, upon the recommendation of the Continental Congress, two hundred and eight representatives, duly elected by towns, convened at Watertown and put an end to the third and last provincial congress, nearly all of its members being returned as representatives to the House in the General Court of the province. They organized, choose a speaker and clerk, and elected twenty-eight councillors, whom they recognized as the supreme executive of the province, according to the provisions of the charter, the governor and lieutenant-governor having vacated the chair. By another enactment they made all the transactions of the several provincial congresses valid and binding to every intent and purpose, as if they were the legislative acts of the General Court.

In 1778, Congress, having by resolves assumed appellate jurisdiction of all maritime causes, as incident to the rights of making peace and war, divided the province of Massachusetts into three districts,—Southern, Middle and Northern.\* The last embraced the three eastern counties of York, Cumberland and Lincoln, and acquired a distinctive name, "the District of Maine," which it retained till the separation. The General Court conceded the jurisdiction to Congress, and authorized an appeal from the State Courts to that body or its tribunals whenever the subject of a foreign power in amity with the United States claimed a vessel or cargo captured or libeled, unless he chose to waive his right of appeal and have his trial in the Superior Court of the state. The judges of the maritime courts were also judges in admiralty, but all persons charged with piracy or felony upon the high seas were triable by any two judges of the state and the admiralty judge residing within it.

At length, in September, 1779, an assembly of three hundred and twenty-two delegates chosen by towns met at Cambridge for the purpose of forming a state Constitution.† A committee was there appointed of thirty-one members selected from the different counties to prepare and report a draft. Other meetings of the assemblies were held and the draft of the committee reported and at last a form was completed, accepted, printed and distributed among all the towns and plantations throughout the state, and declared adopted by them June 14, 1780. By this Constitution which went into operation October 25, 1780, the government was essentially changed in many respects. "The executive power was now vested in a governor, lieutenant-governor and an advisory council of nine members. Legislation was committed to a general court of two branches, a Senate of forty members and a House of Representatives. The former chosen by counties or districts, the latter by corporate towns. The number of senators assigned to a county were in proportion to the property returned in the periodical state valuation. Every town of one hundred and fifty taxable polls was entitled to a single representative, also to one more for every additional number of three hundred and seventy-five polls or ratable persons. The members of the executive and legislative departments were elected annually. The councillors were chosen from the senators in convention of the two houses, and the latter by the ballots of voters at the town meetings. The voter must be twenty-one and have an income of ten dollars or an estate worth two hundred dollars. All judicial officers were appointed and commissioned by the executive to hold their offices during good behavior, except justices of the peace who now held offices in terms of seven years only.

In 1782 the judiciary system was revised. A supreme judicial court was established, consisting of five justices for the state. In each county there were established

\* Williamson, Vol. II., p. 467.

† Williamson, Vol. II., p. 483.

a court of common pleas consisting of four judges, a court of general quarter sessions formed by the justices of the peace in the county, and a court of probate to be held by a single judge. From the decisions of these three latter courts there was given a right of appeal to the supreme court of judicature. Two terms only of the Supreme Court were allowed for the District of Maine, both of which were in June, one at York, the other at Falmouth. Further changes in 1800 were made in the judiciary system. The supreme bench was enlarged from five to seven judges and an appointment of a solicitor general authorized. The terms were to be held twice each year in every county of Maine except Hancock and Washington, where it was held but once a year.

The subject of the separation of Maine from Massachusetts was first discussed in 1785.\* The want of a distinct government had been often felt during the Revolution. As the state debt was large there were sure to be heavy taxes through a series of years, which most men would like to avoid. These and such persons as had something to gain and nothing to lose were inclined to try the experiment. There were, however, advocates of the measure among all classes—men of probity, property and intelligence, who believed a separate administration would be beneficial to every portion and interest of the community. On the other hand there was considerable opposition, particularly by those men who were in office. The favors and care which the people of Maine at all times received from the government of Massachusetts, it was said, ought to silence every complaint; the strength and force necessary to the protection and security of the district would be essentially weakened, if not altogether paralyzed, by a separation. A meeting was called upon the subject of separation, and thirty-three delegates assembled from twenty of the principal towns and prepared an address to the people. The governor, in a speech to the General Court, in October, in this year (1785), took notice of these proceedings, and declared the course pursued to have an evil tendency toward dismembering the commonwealth. The General Court declared "that attempts by individuals or bodies of men to dismember the state were fraught with improprieties and danger." The convention again assembled in 1786, according to appointment, and chose a committee to prepare a statement of grievances suffered by the people of the three counties of York, Cumberland and Lincoln, and to estimate the expenses of a separate government compared with the amount paid by them while connected with Massachusetts. A list of nine grievances was prepared, the substance of which was the following: That the interests of Maine were different from those of Massachusetts, and could never be fully understood by her or properly attended to and promoted; the seat of government was at a distance, and the General Court too large to attend to their wants; that justice could not be administered promptly throughout so large a territory; that the regulations of trade operated unequally and unjustly toward Maine; a great part of the inhabitants in Maine were deprived of representation in the popular branch of the legislature, where all money-bills originate; that the present system of taxation upon polls and estates was equal and unjust; that the excise and impost acts worked a grievance upon the inhabitants of these eastern counties in that they were disproportionate consumers of foreign articles; that the duty upon deeds operated unjustly, because real estate is of smaller value, and is conveyed oftener in new lands than in older-settled countries. The report of this committee was sent to all the towns. Other conventions were held and a memorial was presented to the General Court, praying its consent to the formation of a separate state. But the General Court managed to cool the separation fever for the time by conciliatory measures of government.

\* Williamson, Vol. II., p. 521.



During the war of 1812, however, necessity of a separate government in Maine strongly impressed itself upon the minds of the people, and, therefore, in 1816, as soon as peace returned, the subject became a topic of general interest and discussion. Forty-nine towns in their corporate capacity and a large number of individuals presented petitions for a separation to the legislature, and in June of that year a separation law was passed, directing the question to be submitted to the voters of the respective towns. But the requisite majority was not obtained. Finally, in 1819, the subject of separation was again revived, and the legislature was presented with petitions for a separation from about seventy towns.\* The committee to whom they were referred reported a bill in favor of the applicants, which, though resolutely resisted, passed the two houses by handsome majorities, and became a law on the 19th of June, 1819. The provisions were in substance as follows: "In the division of the property all real estate in Massachusetts was to be forever hers, all that in Maine to be equally divided between the two. Maine was to have one-third part of all money re-imbursed by the United States for war expenses or collected on bonds for settling duties. Also a due proportion of the military arms and ammunition, according to the last militia returns." Massachusetts and Maine were authorized severally to appoint two commissioners who were to choose two more, and this board was vested with authority to determine all questions about the Indian subsidies and about the actual division of the public lands and other property.

All the voters in the towns and plantations of Maine were directed to meet on the fourth Monday of July and vote upon this question: "Is it expedient that the District shall become a separate and independent State upon the terms and conditions provided in 'an Act relating to the separation of the District of Maine from Massachusetts proper, and forming the same into a separate and independent State?'" The returns were to be made to the governor and council, and if they found the yeas to exceed the nays by fifteen hundred, he was to proclaim the result on and after the fourth Monday of August, and on the third Monday of September the towns were to choose delegates who were to assemble at the Court House in Portland, on the second Monday in October, form a Constitution, and apply to Congress for the admission of Maine into the Union. The returns showed the total vote to be seventeen thousand and ninety-one, and only seven thousand one hundred and thirty-two nays. The governor accordingly issued his proclamation August 24th, announcing the result, and delegates being chosen, assembled at Portland October 11th, to the number of two hundred and sixty-nine, and elected William King, president, and Robert C. Vose, secretary. A committee of thirty-three, selected from each county, was then nominated to prepare and report a Constitution. John Holmes was elected chairman. The committee entered immediately upon their task. Their method of procedure was to lay before them the Constitution of Massachusetts, mark the acceptable parts, and report a new one to the convention as fast as the draft was finished. The new Constitution differed in many respects from that of Massachusetts. First, as to the title of the new state, the committee reported the name the "Commonwealth of Maine," but it was moved to strike out the word "Commonwealth" and substitute the word "State" as being shorter and not so unwieldy, and this motion prevailed.† Second, it was moved to strike out the word "Maine" and substitute the name "Columbus," but this motion, very properly it would seem, was not carried.‡ A point arose as to the declaration of rights, which was the cause of consid-

\* Williamson, Vol. II., p. 672.

† Constitutional Debates, p. 50.

‡ Constitutional Debates, p. 51.

erable debate, much more so than its importance would seem to demand.\* The committee had reported substantially the same phrase as that of the Massachusetts declaration, which reads, "It is the right as well as the duty of all men in society, publically, and at certain seasons, to worship the Supreme Being." The word "duty" here was objected to. It was agreed that it was out of place to enjoin duties upon the people in a declaration of rights merely. Accordingly this was changed to read, "All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences. No one shall be hurt, molested or restrained in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments, provided he does not disturb the public peace, nor distract others in their religious worship."

This would seem to indicate that the majority believed that man, as a free-willed and responsible being, had a right to worship God or not as he deemed best. A great change surely from the days of the colony charter, when heresy was a capital offence. The Senate and House of Representatives, which were still styled the General Court in Massachusetts, now bore the title "Legislature of Maine." A more equal representation was provided by way of a sectional classification of towns and plantations, though the representatives were never to exceed two hundred, nor the senators thirty-one in all. Possession of property was not a prerequisite to an elector's qualification to vote, as in the Constitution of Massachusetts. It was believed that every citizen, though poor, ought to have the privilege of voting for his rulers. The executive was to consist of a governor and a council of seven instead of nine members, and without any lieutenant-governor as in Massachusetts. All taxes upon real estate, improved or unimproved, were to be proportioned and assessed equally according to its just value. Wild lands and unimproved real estate had been taxed under the commonwealth at only one-third of its true value,—a practice prevalent since the early settlement of the country. In other respects the Constitution accepted by the convention coincided in substance with that of the Commonwealth. The convention adjourned October 29th to meet at the same place on the first Monday of the ensuing January, having appointed the first Monday of December for taking the yeas and nays in town meetings upon the adoption of the Constitution reported to the people. A quorum of the members belonging to the convention re-assembled at the stipulated time in January, when they found by the returns that the Constitution had been ratified by a large majority of votes in its favor.

At this point obstacles were thrown in the way of the independence of Maine which were wholly unexpected. The admission of Maine and Missouri into the Union was under discussion in Congress at the same time. The advocates of the latter, wishing to carry it through the legislature without any restrictive clause against slavery, put both into a bill together, determined that each should share the same fate. The friends of Maine were ready and willing to submit to any restrictions touching slavery which might be imposed, and the connection of the two, therefore, seemed extremely unfair. The subject was debated several days, and finally the interests of the two states were separated, and on the third day of March, 1820, an act was passed by which Maine was declared to be, on and after the fifteenth of that month, one of the United States of America, admitted in all respects whatever on an equal footing with the original states.

The amendments to the Constitution of Maine, adopted in pursuance of the

\* Constitutional Debates, p: 72.

fourth section of the tenth article of the original Constitution, may be briefly indicated as follows: Article I., adopted in pursuance of the resolve in 1834, related to the manner of electing representatives and other civil officers in cities. Article II., in pursuance of resolve in 1837, provided that no person should be bailable before conviction for any capital offences where the proof is evident or the presumption great. Article III. limited the tenure of judicial officers to seven years. Article IV. fixed the number of representatives to the House at one hundred and fifty. Article V. changed the commencement of the political year to the second Wednesday in May. This was annulled, however, by Article VIII. below. Article VI. provided that the credit of the state should not be loaned, and the creation of the state debt was limited. Article VII. provided that representatives should be elected by plurality. Article VIII. annulled Article V. and changed the commencement of the political year to the first Wednesday of January.

Article IX., amending Article VI. of the Constitution, provided for the election and tenure of office of judges and registrars of probate, judges of municipal courts, major and adjutant-general and staff officers, and sheriffs, land agents and attorney-generals. Section 9 of this article relating to sheriffs provided "that sheriffs shall be elected by the people at their respective counties by a plurality of the votes given on the second Monday of September, and shall hold their offices for two years from the first day of January next after the election. Vacancies shall be filled in the same manner as provided in the cases of judges and registrars of probate, *i. e.*, by ballot at the next September election and by appointment meanwhile by the Governor."

Article X. amended section 1 of Article II by adding, "No person, however, shall be deemed to have lost his residence by reason of his absence from the State in the military services of the United States or of this State." It also amended section 4 of Article II. by adding provisions regulating qualifications of voters and the conduct of elections. Article XI. provided that the State might issue bonds in payment of municipal war debts. Article XII. provided that towns having four thousand inhabitants and towns including islands might be formed into voting districts.

By a resolve of January 12th, 1875, Governor Dingley was authorized to appoint a commission of ten persons "to consider and frame such amendments to the Constitution of Maine as may seem necessary to be reported to the Legislature." Nine of the amendments reported by the commission were submitted to the people by a resolve of February 24, 1875, and adopted at the annual election September 13, 1875. They were in relation to the following subjects:—Amendment XIII., the election of senators by plurality vote; XIV., special legislation and corporations; XV., the power of the Governor to pardon; XVI., the appointment of judges of municipal and justice courts; XVII., taxation; XVIII., abolishing the land agency; XIX., constitutional conventions; XX., bribery at elections; XXI., codification of the amended Constitution.

February 24, 1875, Chief Justice Appleton of the Supreme Bench was appointed to arrange the Constitution with all the twenty-one amendments, and the draft made by him was approved by the Legislature February 23, 1876, and ordered to be enrolled on parchment and to be deposited in the office of the secretary of the state as the "Supreme Law of the State." This is the amended Constitution as it stands to-day in the statute book of the state.

Eight amendments to the amended Constitution have been made since 1875. The first of these, entitled Article XXII., limited municipal indebtedness to five per cent. of the valuation. It was adopted September 10, 1877, and took effect as part of the Constitution January 2, 1878. Article XXIII. established biennial elections of



the governor and legislature, and biennial sessions. Article XXIV. provided for the election of the governor by plurality vote. It was adopted in 1879, and became a part of the Constitution in 1880. Article XXV. amended Article XXIII. as to date from which the tenure of office of the legislature began to run. It was adopted in 1880, but the amendment was never proclaimed by the governor, nor declared by the legislature, and it is not known that any public evidence of its adoption is in existence.

The prominent feature of Maine's governmental policy, a feature for which it has become noted, is its prohibition law. The first prohibitory law was one of ten public acts passed at the short session of 1851, and took effect upon its approval by Governor Hubbard, June 2d. It has been followed up to 1883 by thirty-nine statutes in reference to intoxication and the sale of intoxicating liquors, and by numerous amendments since that date. In 1883 a resolve was passed by the legislature, and adopted by the people September 8, 1884, making prohibition a constitutional amendment—Article XXVI., which reads as follows: "The manufacture of intoxicating liquors, not including cider, and the sale and keeping for sale of intoxicating liquors, are and shall be forever prohibited. Except, however, that the sale and keeping for sale of such liquors for medicinal and mechanical purposes and the arts, and the sale and keeping for sale of cider may be permitted under such regulations as the legislature may provide. The legislature shall enact laws with suitable penalties for the suppression of the manufacture, sale and keeping for sale of intoxicating liquors, with the exceptions herein specified."

Article XXVII., adopted in 1888, provided that the treasurer of state should be chosen biennially at the first session of the legislature by joint ballot of the senators and representatives in convention, but that they should not be eligible more than six years successively. The last two amendments to the Constitution, Articles XXVIII. and XXIX., were adopted by the people September 12, 1892. Article XXVIII. provided that the adjutant-general and quartermaster-general should be appointed by the governor. Article XXIX. related to the educational qualifications of voters, and reads as follows: "No person shall have the right to vote or to be eligible to office under the Constitution of this state, who shall not be able to read the Constitution in the English language, and write his name; provided, however, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age or upwards at the time this amendment shall take effect."

Such have been the different forms of government through which the region now known as the state of Maine has passed, from the time when the Northmen first beheld the aboriginal tribes, ruled by the simple word of their chieftain and the unwritten laws of custom and tradition, down to the present complex but enlightened system of popular government and written constitution. That Constitution, modeled upon the system of a sister state already tested by the people of Maine, and framed by men of character, wisdom and high moral purpose, has served for more than seventy-five years as the sole bulwark of government for a sovereign state without material change or addition other than in those matters of detail demanded by the growing needs of civilization.

## CHAPTER XCVIII.

### JUDICIAL HISTORY OF MAINE.

BY ROBERT TREAT WHITEHOUSE.

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**T**HE first traces of a judiciary within the present limits of the state of Maine are to be found in the system of government provided for the Popham colony in 1607. In that year the Plymouth Company, incorporated by the charter of 1606, sent over an expedition in two ships, with one hundred and twenty persons for planters, who landed on the peninsula of Sabino, where Fort Popham now stands, and established a settlement. In accordance with the provisions of the charter, a code of laws for the government of the colony was prepared and signed by King James. This code provided \* that the colony should be governed by a president and councillors, elected annually. To them was given the power of making all laws needful and proper consonant with the laws of England. They were authorized to sit as a court in civil causes and also to punish excesses in drunkenness, vagrancy and like offences. But in all criminal cases of importance a trial by jury of twelve men was required. All offenders were to be tried within the colony. Tumults, rebellion, conspiracy, mutiny and sedition, murder, manslaughter, rape and adultery were the only capital offences. The records of all proceedings and judgments were required to be fully set forth and preserved, implying a right of appeal. In all criminal cases the magistrates were to suspend sentence till opportunity of pardon by the king might be had. No record of the exercise of any of these judicial powers by the council has come down to us. George Popham, brother of the chief justice, Sir John Popham, was chosen president, with a council of five assistants. The colony began auspiciously, but, owing to the death of the president and the unusual hardships of the winter, they lost heart, and nearly all set sail for England.

Thus ended the Popham colony itself, but there is some ground for the belief that a portion of this party made their way to the neighboring regions of Pemaquid and Monhegan. At all events this settlement at Popham was the beginning under charter of an unorganized but continuous occupancy of the region thereabout from that time on. By 1616 Pemaquid was dignified with the name of a town; † and by 1630 it had acquired a population of about five hundred persons. During these years, from 1606 to 1632, however, we have no record of any organized government or system of administering law in this settlement, though it must be presumed, from the size of Pemaquid and its extended trade, that some form of government, by voluntary association, existed there, such as was common among the other

\* Popham Mem. Vol., p. 71, note.

† In Captain John Smith's map of the country, published in 1616, with his Description of New England.

settlements on the coast. We find evidence of the existence of a magistrate and some observance of legal forms. The deed of the Pemaquid territory given by the Indian chiefs to John Brown, dated July 15, 1625, contains the following certificate of acknowledgment, in the familiar phraseology, "personally appeared and acknowledged this instrument to be their act and deed, at Pemaquid, July 24, 1626, before me, Abraham Shurt." \* This is said to be the origin of the present form of acknowledgments in this country, which is in substantially the same words.

In 1632, a patent of the Pemaquid region was granted to Robert Aldsworth and Gyles Elbridge, of Bristol, England, under the great New England charter of 1620. This charter created a corporation known as the Council of Plymouth, "for planting, ruling and governing New England in America. It had power to appoint all governors and other officers necessary for managing the affairs of the colony and to establish all such laws and ordinances as might be suitable for a regular administration of justice. This charter existed over fourteen years, and eight territorial patents were granted by the Plymouth Council during that time, among these the Pemaquid patent to Aldsworth and Elbridge. By this patent powers of government were granted to the proprietors, and they were authorized to "establish such laws and ordinances as are for the better government of the persons so transported, and the same by such officer or officers as they shall by most voices elect and choose, to put in execution." A representative form of government was established, the chief officers being elected by a majority vote of the inhabitants. Abraham Shurt, the agent of the proprietors, was for a long time the chief magistrate of the colony, and with a board of assistants administered the affairs of government. We have, however, no records to tell us just what courts were established or what laws enacted.

Among the other patents granted under the New England Charter by the Plymouth Council, the following four require mention: One to Sir Ferdinando Gorges in 1624, known as the first patent of Agamenticus (York), comprising about twenty four thousand acres in all on either side of the Agamenticus (York) river; the Kennebec Patent to New Plymouth in 1629; two patents to planters in Saco in 1629 on each bank of the river, one to Richard Vines and John Oldham, and the other to Thomas Lewis and John Bonython; and fourth, the Lygonia, or "Plough Patent" as it was called, in 1630, comprising a territory forty miles square from Cape Porpoise to Harpswell in Casco Bay. The settlement made under the Kennebec Patent was governed during these early years by the laws and regulations prescribed by the parent colony of New Plymouth, but the local administration of justice was nothing more than a conservation of the peace. In the different settlements which were the outgrowth of the Agamenticus, Saco and Lygonia Patents, some government must have existed prior to 1636. It is probable that they were governed by voluntary associations or combinations, by which they agreed to obey the laws of England as administered by officers chosen from among themselves. The agreement was usually written and signed by the inhabitants, and although no such documents framed by any of the colonists has been preserved, there are certain passages in the early records of York County which mention such combinations and indicate their previous existence.

In 1635 the Plymouth Company were obliged to surrender their New England charter, and the king placed the management of the colonies in the hands of a committee of the privy council called the Commissioners of American Plantations. New

\* Thornton's Pemaquid. Found in the collections of the Maine Historical Society, Vol. V., p. 162.



England was to be divided into twelve royal provinces, and Sir Ferdinando Gorges was to be governor-general of all. Patents were issued for each section, but the patentees neglected their interests and royal charters were granted to none except Gorges, who received the region between the Kennebec and the Piscataqua, which was to be called New Somersetshire. Sir Ferdinando immediately sent over his nephew, William Gorges, in 1636, as deputy-governor, to take possession of his province and establish his authority there. The deputy was assisted by six commissioners from different parts of the province. They held their first court at Saco, March 25, 1636, and were the first legal tribunal, constituted by authority, known to have met in Maine. The record of the court begins as follows:\* "At a meeting of the Commissioners in the house of Capt. R. Bonython in Saco, this 25th day of March, 1636, present, Capt. R. Bonython, Capt. W. Gorges, Capt. Cammock, Mr. H. Jocelyn, Mr. T. Purchase, E. Godfrey and T. Lewis, Gents." These were the seven commissioners constituting the court. Purchase came from Brunswick, Cammock and Jocelyn from Scarboro, Bonython and Lewis from Saco, and Godfrey from York. Theirs are familiar historical names which appear frequently in the affairs of the province for many years.

This court, established by William Gorges, assumed control of all the affairs of government of the province, and also the administration of justice, and sought to get them into some sort of order. Upon the judicial records of the court we find actions of trespass, slander, and indictments for incontinency, drunkenness and "rash speeches," which were usually decided by a jury. Criminal proceedings appear to have been simple and direct. Take the following as an example, from the record of the first day of the session on March 25, 1636: "There was this day presented by Mr. Theophilus Davis, officer for this place (Saco), John Wotten for being drunk and giving ill tearms to the officer, John the Carpenter for being drunk, James Coall for being drunk, Wm. Scadlock for being drunk. John Wotten is by order of Court to make a payr of stocks by the last of April or to pay 40s. 8*d.* in mo. for mis-demeanor. Also he is fined 5s. 8*d.* for being drunk." Each of the others were fined 5s. 8*d.* for drunkenness.† This first session of the court was continued for several days. The record further reads, "Monday the 28th Mch., 1636. To the petition of Mr. Tho. Luis for words of defamation spoken by Mr. Tho. Williams against Mr. Tho. Luis it is this present day ordered that Mr. Tho. Williams shall be bound to answer to the sat. of Mr. Tho. Luis att the next General Court in the penalty of £100 and a sufficient jury of this Province to be returned to try the difference."

On complaint of Mrs. Joan Vines regarding differences between herself and Capt. R. Bonython and T. Lewis as to planting corn on a certain island, the title of which was in dispute, an order of the court was given in favor of Mrs. Vines concluding, "and this we register, ratify and confyrme, although Mr. Thomas Luis did approbiously, in open court, lacerat and tear an order maid to yt purpose and subscribed as per the same appeareth, when a 5th Com. was to firne to it." This conduct on the part of Commissioner Lewis, as shown by the record, would seem to indicate that the relations of the honorable court among themselves were not altogether harmonious at the outset. It was also, doubtless, difficult for the court at first to impress those with whom it came in contact with a proper sense of its author-

\* See Transcript of the Early Records of the Province of Maine, p. 1., In possession of Maine Historical Society.

† Transcript of Early Records, p. 1.

ity, but the commissioners seem to have had the firm intention of maintaining their judicial dignity and enforcing respect and obedience, for we find from the records that R. Hitchcock was put in the stocks for abusing the court.

Civil precepts were short and to the point, as shown by the following:\* "Sept. 7, 1636. Whereas Mr. George Cleives hath not paid the sume of six £ thirteen shillings and eight pence unto Wm. Ryall according to the order above specified, these are therefore to authorize you in his ma. ties name, to make seasure and attach any manner of goods and chattels then belonging to the said Cleives for the full satisfaction of the debt and penalty above specified and this shall be yr. warrant. Given under our hands this 7th 7ber, 1636." This was directed to the constable at Saco and signed by four members of the court.

The following extract from the record of this session is of interest as indicating the previous existence of some instrument of combination among the settlers here: "Feby. 7th, 1636.† It is ordered that Mr. Tho. Lewis shall appear the next Court day at the now dwelling house of Tho. Williams, there to answeare his contempt, and to shew cause why he will not deliver up the combinacon belonging to us and to answeare such accons as ar commenced against him." The records of this province do not extend beyond 1637, and it is uncertain whether the court continued to be held until the new organization of the government of Maine, a few years later, in 1640.

In 1639 Sir Ferdinando Gorges obtained from King Charles I. the charter for which he had worked and waited for many years. By this charter‡ the king made him lord palatine of all the territory between Piscataqua and the Sagadahoc. This region was to be known as the Province of Maine. No greater powers were ever granted by a sovereign to a subject than were given to Sir Ferdinando Gorges under this charter. He was made absolute lord proprietor of the province. He had the power to establish, with the concurrence of a majority of the freeholders or representatives, all such laws as might be found necessary for the public good, resembling so far as possible the laws of England. He was also empowered to establish courts of justice for determining all kinds of causes by sea or land; to appoint judges, magistrates and their officers, and to displace them; to prescribe their respective jurisdictions and the form of oath to be taken by officers and by witnesses; also, appeals were generally allowed to him or his deputy, in all cases whatsoever, which could in England be carried before the king. To the lord proprietor also belonged the admiralty jurisdiction. All maritime causes arising within the province or within twenty leagues of it were subject to his jurisdiction, under the paramount authority of the English lord high admiral. The powers of the lord proprietor were equally plenary in other branches of the government. In short the proprietorship thus granted was little less than an absolute sovereignty, he being merely subordinate to the crown and to the lord commissioners of foreign plantations.

Gorges at once entered vigorously upon the administration of his office in Maine. He adopted a system of government and prepared commissions and a code of ordinances.§ He retained the power of supreme executive in himself, assisted by a

\* Transcript of Early Records, p. 5.

† Transcript of Early Records, p. 6. This year "1636" here is clearly a mistake on the part of the person making the entry at the beginning of the new year. It should be "1637," since it is closely preceded by the entry of September 7th, 1636, given in the text and followed by an entry of April, 1637, and the entries are all successively arranged in order of time.

‡ See Charter in full in appendix to Sullivan's History of Maine, p. 397-408.

§ See these ordinances in full, Sullivan's History of Maine, p. 413.

lieutenant-governor or deputy ; he appointed a standing council of seven, from whose number the deputy and other officers of state were chosen, and established a popular branch consisting of eight representatives chosen by the holders of the several counties who were to sit with the council as assistant members. These fifteen constituted the legislative assembly of the government. The standing council of seven constituted the Supreme Court and judiciary. The council as finally established was composed as follows : Thomas Gorges, deputy-governor ; Richard Vines, of Saco ; Henry Jocelyn, of Black Point ; Francis Champernoon, of Piscataqua (Kittery) ; Richard Bonython, of Saco ; William Hook, of Agamenticus, and Edward Godfrey, of Piscataqua. This was an able body of councillors. Thomas Gorges, the deputy-governor, was a cousin of Sir Ferdinando. He arrived in the province in the spring of 1640, and took up his residence at Agamenticus (afterwards Gorgeana). He was a young man, educated at the Inns of Court and a lawyer, the first and only, so far as appears, who lived in the province for the first hundred years after the settlement, except one Thomas Morton, who was driven from Massachusetts and came to York in 1644.\* Young Thomas Gorges proved himself a capable magistrate.

To this Council or Judiciary was given jurisdiction over all cases both civil and criminal. This included all admiralty, probate and equity matters. Admiralty powers were doubtless exercised in behalf of the Lord Proprietor, on whom, as has been seen, they were conferred by the charter. We know that probate and equity powers were exercised by the council because we find such causes on the records. As to equity, however, a chancellor, one of the seven state officers, was specially appointed from among the members of the Standing Council to determine all differences between party and party in matters of equity.† This is the first mention of the existence of such an office or court within the present limits of the state of Maine.

The council were ordered to appoint a clerk or register to keep a record of their proceedings, and a provost marshal, to execute their precepts, judgments and sentences. A suitable building for a jail was to be provided at public expense. The council were also enjoined to hold their court regularly on a stated day every month, and in those places most central and convenient for the inhabited portion of the province. The proceedings of the court were always required to be according to the laws of England. Three constituted a quorum for doing business, but either Thomas Gorges or Richard Vines were required to sit in all capital trials. If any person condemned the judgments of the court, or resisted legal process, he was to be arrested, if possible, and if he resisted the officer and fortified his home, the provost marshal, with a special warrant from the council, was ordered to take sufficient aid and proceed against such person as a rebel. Such was the nature and jurisdiction of the Supreme Court. As to inferior courts, for administering justice in each county and keeping the peace, a lieutenant and eight justices were to be appointed by the governor. These, when in session, were authorized to choose or appoint two head constables for each hundred, also for each parish, one constable and four tything men.

So thoroughly did Sir Ferdinando enter into the details of the administration of his government, that he even prescribed the forms of procedure which, to avoid mistakes among people unlearned in legal technicalities, were framed as simply as possible. The following form of summons prescribed in the ordinances will serve as an example : "To our well-beloved, A. B.—Greeting : These are to will and command you to come and appear before us, the Council established in the Province of

\* Willis, *Courts and Lawyers*, p. 14.

† Williamson, p. 279. Williamson, however, gives no authority for this statement, and no mention of the fact is found in the ordinances.



Maine, upon the —— day of ——, to answer to the complaint of ——.  
Given under our hands and seal."

The same simplicity is found in the pleadings. The following\* declaration and plea show a brevity and directness truly praiseworthy: "Ambrose Berry, Plff., v. John Smith, Dft., in an action of account. The Plff. declareth that the Dft. oweth him on accounte between them the 11th day of May last, the sume of £4 11s. 8d, which the Dft. refuseth to pay, notwithstanding he has been often thereto required; and therefore he brings his action and craveth for his damages." "The answer of John Smith, Dft.: The Dft. hereunto answeareth, and saith that he doth not owe the Plff. the aforesaid sum of £4 11s. 8d. in manner and form as the plaintiff declareth, and therefore puts himself upon the trial of twelve men." This plea suggests the handiwork of a lawyer, doubtless that of Thomas Gorges.

The first session of the court under the charter was held June 25, 1640, by Vines, Bonython, Jocelyn, and Godfrey, who were then sworn into office as councillors. Thomas Gorges had not yet arrived. They styled† themselves "Councillors unto Sir Ferdinando Gorges, Knight, Lord Proprietor of this Province for the due execution of justice here." Roger Garde was also sworn as clerk or register, and Robert Sankey as provost marshal. Eighteen civil actions and eight complaints were entered at this session. Among the complaints was an indictment against one John Winter, of Sperwink, for making a profit of more than five per cent. on the cost of the articles sold. A strange limitation to us in this age.

The second term of court was held at Saco the following September, this time with "the worshipful Thomas Gorges" presiding. There were pending about forty causes in all, thirteen of which were indictments. Jurors were impaneled, and justice was regularly administered. At this session it was ordered that "thenceforth there should be one general court holden at Saco for the whole province of Maine, every year, on the 25th day of June, if it fall not on the Sabbath day: wch. if it shall, then the said court to begin the day followinge. But if urgent occasion requires it, then the said Council to call another Courte at such times as they shall think meete." The province was also divided into two districts or counties, one east which came to be called York, and the other west and called Somerset, the Kennebunk river being made the dividing line. Three terms of an inferior court were ordered to be held annually in each of the districts—at Agamenticus for York, and Saco for Somerset. These inferior courts had no jurisdiction in capital felonies, or civil actions involving titles to lands.

Among the indictments drawn at this session was one against George Puddington, of Agamenticus, which is worthy of notice,—for saying, on the 8th of August, preceding—we hold the "power of our combination" to be stronger than the power of the king. This seems to indicate that the inhabitants of Agamenticus had at some time previous formed a combination. There were also several presentments for swearing. Captain Cammock, one of the members of the previous court of 1636, was fined 1 s. for swearing one oath. Sabbath regulations seem to have been guarded with Puritanical strictness. The record reads, "H. Watts and W. Frethy for profaning the Sabbath in carrying off bords contrary to his Majesty's laws,—fined 20s, one-half remitted, the rest paid to the worshipful R. Vines."

Among the common law cases on the civil side of the court was an important action of trespass between two of the most considerable men in the Province, Richard Foxwell, son-in-law of Richard Bonython, the councillor, against Capt. Thomas

\* Transcript of Early Records, p. 56.

† Transcript of Early Records, p. 50.

Commock. The pleadings were all formal and regular. The plaintiff and the defendant joined issues and "put themselves upon the trial of a jury of twelve men." The jury found for the plaintiff,—the court entered judgment upon the verdict and awarded execution. There was also an action of debt, "John Bonython versus Richard Gibson, minister." The defendant appeared by attorney, and, at his suggestion, the matter was submitted to arbitration.

As to probate matters, we find the record of the administration of estates and wills in the same books with other proceedings,—since, as we have seen, the same councillors sat as a court of probate. In the first book is the inventory of the estate of "Richard Williams, servant to Mr. Matthew Craddock, merchant," dated June 15, 1635. The record shows that the court granted letters of administration in the case to one Payton Cooke, giving him power to take all the goods and chattels of the intestate into his custody and to administer the same proportionally between himself and the other creditors, "according to the laws of England in that case provided, and the true intent and meaning of this court. The said Payton Cooke to certify at the next court holden here of his proceedings herein." This is interesting, as being the first administration granted in this territory.\* So we find entered upon the records, in 1640, the first bill in equity in Maine and probably the first in New England. The bill begins: "The complainant humbly sheweth," and seeks relief against George Cleeves and Richard Tucker in a matter of account, concluding as follows: "Wherefore he humbly entreateth this court to take the same into consideration and to grant him the like privilege, which the honorable court of chancery affordeth all his majesty's subjects in cases of this nature. Your humble petitioner, John Hinkford."

"The court hath ordered the defts. to answer to this bill at the next court to be holden here." No answer has been preserved, since the records of the court between 1641 and 1644 are missing.

In addition to the supreme court and inferior courts, commissioners, corresponding to trial justices or municipal judges of the present day, were appointed in each town for the trial of small causes, their jurisdiction in civil matters being limited to forty shillings. From their judgments an appeal was allowed to the upper court.†

The Civil War was now raging in England in 1643, and in that year Governor Thomas Gorges, his commission of three years having expired, returned to England, leaving Richard Vines at the head of the government. At about this time Gorges, authority met with a rival within the province. Alexander Rigby, a "lawyer and parliament" man, and a strong republican, purchased the abandoned Lygonia patent of 1630, or Plough patent, as it was otherwise called, on Casco Bay, granted under the New England charter of 1620, and commissioned George Cleeves, the first settler of Portland, and an agitator, as his deputy to administer the affairs of the region. Rigby drew up a written constitution in which he was styled president and Cleeves deputy president. A council was provided for, composed of six assistants, with whom sat deputies from the towns, the two bodies constituting the General Assembly. Instead, however, of conferring judicial powers on the council or assembly, as was usual elsewhere in the colonies, a separate court of pleas was provided for.‡ Under this patent and constitution Cleeves at once set up his authority in Lygonia, thus extending his claim of jurisdiction over a large part of the province of Maine. This of course produced a collision. A joint appeal was made to the commissioners for for-

\* Willis, "Courts and Lawyers," p. 19.

† Willis, "Courts and Lawyers," p. 20, 21.

‡ Richardson's "Introduction to York Deeds."

eign plantations, who, owing to Rigby's republican influence, decided in favor of the Lygonia patent in 1646, and made the Kennebunk river the dividing-line between the two provinces. The records of Gorges' courts show that they continued to enforce their jurisdiction over the inhabitants of Lygonia up to this time. After this decision of the commissioners, though still keeping up their claim to the whole province, they confined the exercise of their jurisdiction to the portion west of the Kennebunk.

Cleeves at once opened a court at Saco, and continued to hold sessions here and at Saco and Black Point at appointed times for three or four years.\* Only a fragment of the records of the General Assembly of Lygonia has been found, but enough to show that its proceedings were conducted with great regularity.† We find on this record, appended to the administration of P. Cooke on the estate of R. Williams, which had been granted by the court of Thomas Gorges in 1640, the following approval, executed at a court holden at Black Point the last of May, 1643: "We the Judges for the Province of Lygonia, do by our authority ratify and confirm unto the said P. Cooke this aforesaid administration according to the full tenor thereof. Witness our hands and our Provincial Seal at the day and year above written.—G. Cleeves, H. Joscelyn, R. Jordan."

Meanwhile the inhabitants of Gorges' province, having learned of his death in 1647, and having heard nothing from his heirs, formed a combination in 1649 "to see these parts of the country and province regulated according to such laws as have formerly been exercised, and such others as shall be thought meet, but not repugnant to the fundamental laws of our native country." Edward Godfrey was chosen governor, the name of the "Province of Maine" being still retained. This state of things continued until 1652, when Massachusetts extended her jurisdiction over the territory.

Massachusetts first put forward her claim to the territory of Maine in 1651, contending that this region was embraced within the limits of the charter of the Massachusetts Bay Colony. These claims were hotly contested by both Godfrey and Cleeves for some time. But in 1652, Rigby having died, the government of Lygonia came to an end, thus leaving the towns in that province to do as they saw fit. Massachusetts appointed six commissioners to establish a government in Maine, four of whom opened a court at Kittery, November 15, 1652, and sent out a summons to the inhabitants requiring them in the name of Massachusetts to assemble there for the purposes of having administration of justice established among them. Kittery at once submitted and Gorgeana followed suit. The commissioners then ordained that the whole territory beyond the Piscataqua to the Massachusetts line should be erected into a county by the name of Yorkshire. A county court was to be held annually in the town of York, and three resident associates were to be chosen to assist such magistrates or commissioners as should be appointed to preside. These county courts then at intervals summoned different towns to submit to the authority of Massachusetts, and by the use of vigorous measures the submission of all was secured by 1657.

The civil and judicial regulations of Massachusetts under the colony charter were thus adopted by the people of Maine in 1653, and they continued to be governed under its provinces until 1677, with the exception of the period from 1644 to 1668. Under the colony charter the judiciary powers were vested in three tribunals: the court of magistrates or assistants, the county court and the single magistrate's

\* Williamson, p. 302.

† Folsom's Saco and Biddleford, p. 61.



or three commissioners' courts. The court of magistrates, consisting of the governor, deputy-governor and assistants, was the highest judicial tribunal in the colony, having jurisdiction of all capital crimes, divorces and appeals from inferior courts. Their sessions were held semi-annually in Boston.

The County Court was held by the resident magistrate of each county, or such other as the general court might appoint, assisted by four freemen of character and intelligence in each county, called "associates," who were selected by the town in their annual meetings, and approved and commissioned by the legislature. Three out of the five constituted a quorum, provided one was a magistrate. This County Court held session in Maine twice every year. They appointed their own clerks and summoned juries. Their jurisdiction included probate and equity matters, all civil, above forty shillings; all criminal cases, except capital; and others not reserved to the court of magistrates or assistants.

The third and lowest judicial court in the colony, including Maine, had jurisdiction of all civil cases within the county, where the amount demanded did not exceed forty shillings, and the power to impose fines in criminal cases to the same amount. It was held by a single magistrate, without a jury, in the town where he resided. In towns where no magistrate resided three commissioners were appointed by the court of assistants, or County Court, to decide these small cases. If any commissioner was interested in the controversy a selectman sat in his stead. Appeals lay from these petty courts to the County Court.

The history of Maine in its early years, it will be seen, necessarily centres about the settlements in York county and on Casco Bay. Some further mention, however, is required here, of the settlements under the Kennebec Patent, granted to New Plymouth under the charter of 1620. This settlement, having grown careless as to the observance of the laws and regulations prescribed by New Plymouth, the General Court of that colony in 1653 appointed Thomas Prince, as commissioner, to establish a governor in the settlement. This commissioner summoned the inhabitants on the river Kennebec to convene on the 23d of May, 1654, at the home of Thomas Ashly, near Merry Meeting Bay. Prince was there met by sixteen freemen of the neighborhood, and this little convention, with the commissioner as presiding officer, elected Thomas Purchas as assistant to the commissioners, and established a code of ordinances. These ordinances provided that all capital crimes should be tried by the General Court at New Plymouth, other crimes were to be tried by the commissioners and assistant court within the settlement. All civil actions were to be tried before a jury of twelve men, but no civil cause above £20 sterling was to be tried before the local court without the consent of both parties, such matters belonging to the jurisdiction of the courts at New Plymouth. The next term of the local commissioners' court was appointed to be held at the same place the following May, and probably annually in that month. In 1661, the patent was sold to three individuals.\*

Pemaquid continued under the government established under the Eldridge and Aldsworth Patent of 1632 until 1650, when the grant passed out of the hands of the heir of the original proprietor and the title became a subject of bitter controversy. After this the administration of law within the province became very inefficient. As to the eastern portion of Maine, practically all this territory remained a wilderness during the entire seventeenth century.

Such was the civil status of the different sections of Maine in 1660, when Charles II. was restored to the throne of England. This revived the hopes of the

\* Williamson, p. 366-370

heirs of Sir Ferdinando Gorges, who had been a devoted royalist. His grandson, young Ferdinando, having obtained a report in favor of his claim from a committee of parliament in 1661, sent over an agent to Maine in the following year and appointed a magistrate to act under his authority, but Massachusetts immediately repressed the movement. In 1664, the king granted the province of New York to his brother, James, the Duke of York, and included in the grant all the territory between St. Croix and Pemaquid and its independencies, known as the territory of the Sagadahoc. In the same year, in order to settle the controversies in New England, the king appointed four commissioners and empowered them to hear and determine all complaints, appeals, and other matters coming before them, whether civil, military, or criminal, to proceed therein, "according to their good and sound discretion." The commissioners spent about two months, principally at York, Scarborough and Falmouth, in revolutionizing rather than settling the government. The authority assumed by them was arbitrary and unwarranted. They assailed both the Charter of Gorges and the authority of Massachusetts. They instituted a form of government with a General Assembly to be held at York. One of their orders, on account of the fewness of the inhabitants, allowed juries of seven men only. The first inferior court under this organization was held at Wells, in July, 1665, and the second at York, November 7th, in that year.\* At the July terms in Wells, the court ordered every town to take care that there be in it a pair of stocks, and coucking (ducking) stool, erected between this and the next court. This coucking stool was the old instrument for punishing common scolds. It consisted of a long beam, arranged like a well sweep, and extended over a pond. The culprit was placed on the end of this beam and soused in the water.†

The commissioners next proceeded to the Duke of York's territory of Sagadahoc. They created this whole region into a county by the name of Cornwall, and established a form of government consisting of a chief constable, three magistrates, a justice of the peace and a recorder. The justices were Nicholas Raynal of Sagadahoc, Thomas Gardiner of Pemaquid, and William Dyer of Dartmouth—these being, according to the commissioners, the ablest and best men to be found in those places. Three justices from the Province of Maine, viz., Henry Jocelyn, Robert Jordan and George Munjoy, were appointed to assist these three local justices, and the six constituted a court, and were directed to hold sessions for the trial of all causes "till further ordered." If the justices were equally divided in opinion, Henry Jocelyn was entitled to a double or casting vote. Forms of precepts issued by this court with the constables' return thereon have been preserved.‡ Such were the chief features of the judicial system established by the royal commissioners. They proved themselves wholly incompetent, and both the men and their measures were extremely unpopular. They were recalled in 1666.

Soon after the recall of the commissioners Gorges' province fell into a state of anarchy, and in 1668 the principal men of the province petitioned the government of Massachusetts to be again taken under their jurisdiction. The General Court consented, and appointed four commissioners to hold court in York according to the former custom. These commissioners proceeded to York accompanied by a military escort, and there met with some opposition from the magistrates appointed by the royal commissioners, but finally prevailed and assumed jurisdiction by virtue of the Colony Charter of Massachusetts Bay. Massachusetts carried on a regular and

\* Williamson, p. 407.

† Folsom, Biddeford and Saco, p. 96.

‡ Williamson, pp. 421-22.

tranquil administration of affairs in Maine for the next eight years. Nevertheless, being disturbed considerably during these years by the rival claims of the Duke of York and of Gorges in England, which latter were revived with vigor, Massachusetts decided to purchase and take an assignment of the province from Gorges, which was effected May 6, 1677, for £1,250. By the instrument of assignment Massachusetts became Lord Paramount of Maine, with all the powers and privileges of the original Lord Proprietor.

After the purchase was effected the General Court at first admitted as usual three associates for Yorkshire, and appointed Thomas Danforth to preside over the County Courts for the ensuing year. But after some discussion it was decided in 1680 that since the instrument of assignment passed the jurisdiction of the Original Proprietor as well as the property, the Province must be governed according to the provisions of the Royal Charter to Sir Ferdinando and not under the Charter of Massachusetts. Accordingly the matter was submitted to the Massachusetts Colony Government and Board of Assistants, who established the following form of government in the Province, viz.: a Provincial President, chosen by them from year to year, and two legislative branches, the upper one a standing council of eight members and the other a popular delegation, consisting of deputies chosen by towns. The standing council constituted the Supreme Court of Judicature for the Province\* and it was ordered that the laws, orders and precedents which had previously existed in the Province should continue in force until otherwise ordered.†

Pemaquid at about this time became an appendage of the Province of New York and was represented in its General Assembly. Courts were established in Pemaquid by the Council sitting in New York, as appears by the following orders: "June 24th, 1680. In Council, ordered that some person be appointed to go from here to Pemaquid for holding Courts." "June 26th. Sagadahock magistrates or officers to continue, the Courts to try only for 40s., instead of £5 formerly granted there." "Mr. Potter, Lawrence Dennis, and Richard Redding to be Commissioners and assistants in the courts of session to try to £20." A commission was issued by the Governor of New York to Henry Jocelyn who had formerly been one of Gorges commissioners residing in Scarboro and others to be a court of session and to act according to law and former practice." This Court held its sessions in June and November. Justices of the Peace were also appointed from time to time, with authority to hear and determine causes civil and criminal.

In 1684 the colony charter of Massachusetts was revoked, and the following year Charles II. died and James II. succeeded to the throne. To establish a form of government in place of the charter the king, in 1686, issued a commission to Joseph Dudley as president of Massachusetts, New Hampshire, Maine and Rhode Island, and appointed fifteen councillors to assist him in the administration of government. To the president and council were committed the power of managing and directing all the political and judiciary affairs of these several colonies without any house of deputies.

A majority of the council composed the Superior Court, which was to sit three times in the year for the whole country. The county courts were to be held by a member of the council, assisted by associate justice commissioner for the purpose, from whose decisions appeals were allowable to the council. In general all legal usages were observed, but Dudley's administration was short and unpopular. He was succeeded by Sir Edmund Andros, who proved a despot. By 1689 the public

\* Williamson, p. 568.

† Willis' Courts and Lawyers, p. 27.



discontent resulted in a revolt. The principal men of the colony took affairs into their own hands and formed a provincial government, and resumed the administration of affairs under the provisions of the colony charter, meanwhile petitioning the King for its restoration. Their attempts in this direction failed, and instead a new draft was made, and October 9, 1691, the Provincial Charter of William and Mary passed the seals.

This celebrated charter united the territories and people of Massachusetts, Plymouth, Maine and Sagadahock under one civil government, which continued eighty-eight years. It thus included all the present territory of Maine. The charter provided for a Governor, Lieutenant-Governor and Secretary of State, appointed by the Crown. The legislative power was vested in a General Court comprised of two branches, the council or board of assistants, consisting of twenty-eight members, and the House of Representatives.

The General Court was authorized by the charter to erect courts of justice for the trial of all cases civil and criminal within the province, and they immediately effected a revision of the judiciary department. They established a Superior Court, Court of Common Pleas, Quarter Sessions and Justice Courts, and afterwards Probate, Chancery and Admiralty Courts were established.

The Superior Court, thus established for the first time in the province as a separate court, consisted of a chief justice and four associates. The power of the court, as extended in 1699, included appeals from the lower court, writs of error and review, and as full jurisdiction to every intent as the Courts of King's Bench, Common Pleas, and Exchequer in England. The first justices appointed in 1695 were William Stoughton, chief justice, and Thomas Danforth, the former president of Maine, Wait Winthrop, John Richards and Samuel Sewall associates. None of these had ever been educated as lawyers and there was no educated lawyer in the province at that time.

This court held two sessions every year in the principal counties. The territory of Maine formed one county till 1760, and the trials of causes arising in Maine were held in Boston or Charlestown. In 1699, however, a term of court was granted to this state, which was held at Kittery until 1743, when it was removed to York. This continued to 1760, when the counties of Cumberland and Lincoln were established. Lincoln embraced the province of Sagadahock and all of the states east of the Penobscot. A term of court was first held at Falmouth for the county of Cumberland, in 1761, by Lieutenant-Governor Hutchinson, chief justice, with Benjamin Lynde, John Cushing, and Peter Oliver, associates. The Superior Court thus constituted continued without change till 1780.

The Inferior Court, or Court of Common Pleas, was established in each county, and consisted of four judges, who, in the language of the statute, were to be "substantial persons" and were not learned in the law, but were prominent, well-to-do men of repute in the county. This court had jurisdiction of all civil actions arising within the limits of the county, triable at the common law. The trials were by jury. Appeals lay from this court to the next Superior Court sitting in the same county. Two terms a year were held in York and two in Wells until 1736, when, on petition of the inhabitants of the central portion of the province, a term was held annually at Falmouth, now Portland. On the incorporation of Cumberland and Lincoln counties in 1760, two terms of the Common Pleas were established in each county. This intermediate court continued, with some changes, for more than one hundred and fifty years.

The Court of General Sessions of the Peace was held by the justices of the peace within the county, or a certain number of them designated for the purpose at

the same time and place as the terms of the Court of Common Pleas. They had authority to hear and determine all matters relating to the conservation of the peace and punishment of offenders, and "whatsoever is by them cognizable according to law." They had their clerks and officers and power to summon juries. To this court was also given the power of laying out highways, superintending houses of correction, granting licenses to inn-holders and retailers, and the charge of the financial and prudential affairs of their several counties. Appeals were allowed from this tribunal to the Superior Court. This court continued as thus organized without any essential changes during the existence of the Provincial Government.

The justices of the peace were civil officers known under the charter, but not heretofore in Massachusetts. An indefinite, though not a large number of these, were now appointed and commissioned by the governor for each county, to hold their offices during good behavior. Each one had jurisdiction of all civil causes to the amount of forty shillings, and of all crimes,—binding over the heinous ones to a high tribunal and punishing petty offences.

Probate jurisdiction was conferred by the charter on the governor and council, but they, by virtue of their power of substitution, appointed judges of probate and registers during good behavior for each county. Appeals from this court were chiefly to the governor or council. Previous to 1760 the Courts of Probate had no seal, kept no records, had no rules and did not observe the usual formalities of a judicial court. After that time seals were adopted, but very little regularity existed in their proceedings previous to the Revolution.

Chancery powers, as has been seen, began in Maine with the single chancellor appointed under the Sir Ferdinando Gorges charter of the province of Maine. This continued until 1652-3 when Massachusetts first extended her jurisdiction over Maine. After that equity powers were not exercised within the territory till 1685, when an act was passed \* under the colony charter conferring equity powers on "the magistrates of each county." Under the province charter the General Court in 1692 established a high Court of Chancery to be held by the governor or such other person as he might appoint, assisted by eight or more of the council. But this act was disallowed by the Privy Council in England, as was also a later one in 1693 providing for a Court of Chancery to be held at Boston by three commissioners and five masters in chancery appointed by the governor. But in 1698 an act was passed entitled "an act for hearing and determining cases in equity," which gave the Superior Court and Court of Common Pleas powers for the redemption of mortgages and for relief against penalties and forfeitures. These constituted all the equity powers exercised by the court during the existence of the provincial government.

The province charter also provided for an American Vice-Admiralty Court, and a judge of the court was appointed for New England and New York. Besides this, there was a Provincial Justiciary Court of Admiralty, held by the governor and council, sitting with that judge and the secretary of state, for the trial of piracies and other crimes committed on the high seas.

From any decision of the provincial courts in any personal action involving three hundred pounds sterling, an appeal was allowed by the charter to the king in council.

Such was the judicial system extended over the territory of Maine by the Province Charter of 1691, and the judiciary continued as thus established, without any substantial changes, till 1780. In that year a state constitution was adopted for

\* Ancient Charter and Laws of Mass. Bay, p. 93. Acts and Resolves of the Prov. of Mass. Bay, Vol. I., Ch. 33, p. 72. Acts and Resolves of Prov. of Mass. Bay, Vol. I., Ch. 12, p. 144. Acts and Resolves of Prov. of Mass. Bay, Vol. I., Ch. 22, p. 356.

Massachusetts, and some slight changes were made in the judiciary. The title of the Superior Court, under the Province Charter, was changed to that of the "Supreme Judicial Court," but with the same jurisdiction and power, and the same number of judges as under the provincial government. The judges first appointed by the new government were, William Cushing, Nathaniel Peaslee Sargent, James Sullivan, David Small, and Jedediah Foster. The supreme court as thus established continued without change till 1800. Court was held by the full bench in the several counties, three members constituting a quorum. All jury cases were thus tried before the full court, and this method was found objectionable, since important questions of law often had to be decided practically off-hand, without close examination, and without the possibility of appeal to any higher tribunal.

It was also customary for different members of the court to charge the jury, and this often resulted in contradictory opinions as to the law. Moreover, as the population and business increased, it became impossible for the full court to travel into each county and dispose of the large accumulation of actions on the docket and long delays were the result. But the people were attached to the system and disliked to have their cases tried in any other way than by a full court, so that the legislature, instead of coming at once to the *nisi prius* system, with one judge, which was the only practical remedy, increased the number of judges to seven in 1800 and made two quorums, so that the court could be held in two counties at the same time. They also divided the commonwealth into two sections or circuits, an eastern and a western, and provided for a court to be held in each county, except Suffolk, by three judges, but requiring the full court at Suffolk. This change, however, did not relieve the difficulty, and in 1804 the number of judges was reduced to five, four of whom constituted a quorum. They held one term annually in each county, except Nantucket, Duke's and Washington. In 1805 a complete *nisi prius* system was established, with five judges, one or more of whom held the trial or *nisi prius* term and three law terms. No further changes were introduced till after 1820.

The judges of this Supreme Court, until 1792, appeared on the bench in robes and wigs; in summer the robes were of black silk; in winter, of scarlet cloth. The account of one of the early terms of this court, held in 1794 in Lincoln county, in the district of Maine, at what is now the city of Augusta, is of interest as showing some of the judicial forms and usages of the times. The court was held by Judges Robert Treat Paine, Sumner and Dawes. They were attended by three sheriffs, wearing cocked hats and carrying swords, each with his long white staff of office, and they were accompanied by such celebrated lawyers as Theophilus Parsons and Nathan Dane. Having no bell to summon the court, the judges "moved by beat of drum in a procession not a little imposing, preceded by their officers and followed by the bar."

The Inferior Court of Common Pleas was revived under the Constitution in 1782, with all the powers which it previously possessed. In 1804 the number of justices was reduced to three in each county, and in 1861 the old system, which had existed without change for one hundred and twelve years, was altered in form, but not in substance, and the circuit system adopted. Under this Massachusetts, including Maine, was divided into six circuits, of which three were in Maine. These three were called the first, second and third eastern circuits, in each of which a chief justice and two associate justices were appointed. The system then established continued till after 1820.

The Court of General Sessions of the Peace was likewise revived by act of the Massachusetts legislature in 1782, in nearly the same terms as the original act. In



1804, however, all the jurisdiction of the court was transferred to the Common Pleas, except as to those duties now performed by the county commissioners in Maine and Massachusetts. This was an important and radical change which has survived to the present day, though the court has been frequently changed in form and name. In 1807 the court was altered by substituting a fixed number of judges instead of the crowd of justices of the peace that had previously held the court. One chief justice was provided for each county, and associates, differing in number according to the extent of the counties, with the same powers as before. In 1808 the name of the court was changed to that of Court of Sessions, still preserving the same powers. In 1809 the duties of the court were transferred to the Court of Common Pleas, but this proved unsatisfactory and the previous Court of Sessions was re-established in 1811, and transferred to the Common Pleas again in 1819, with a chief justice and two associates for each county. There were then nine counties in Maine, in which twenty-seven judges were appointed, only five of whom were lawyers. Justices of the peace were also provided for by the legislature under the Constitution, to hold office for seven years instead of during good behavior, as under the provincial government.

As for the Probate Court, under the new government of 1780, the Constitution then provided that the judges of probate might fix their own terms of court and that appeals should lie to the governor and council until the legislature provided otherwise. Accordingly, in 1784, the legislature passed the first probate act, which established a Court of Probate in the several counties, to be held by some learned person in each county, to be appointed judge, to whom was assigned the jurisdiction of which probate courts have, or hereafter, by the laws of the commonwealth, shall have cognizance. An appeal was allowed to the Supreme Court. The Probate Court, as thus established, is substantially the same as that which exists to-day.

Chancery powers under this Constitution were conferred to a limited extent upon the Supreme Judicial Court as under the Province Act of 1698, including only the redemption of mortgages and relief from forfeitures and penalties. Equity powers in cases of trust, specific performance and discovery, were added in 1817 and 1818.

On the separation of Maine from Massachusetts in 1820, it was provided in the Constitution that the "Judicial Power of the State shall be vested in a Supreme Judicial Court and such other courts as the Legislature shall from time to time establish." By Act of June 24, 1820, a Supreme Judicial Court was established, consisting of a chief-justice and two associate justices, any two of whom could hold court. The first judges appointed for this court were Prentiss Mellen, of Portland, chief justice; with William Pitt Preble, of Portland, and Nathan Weston, of Augusta, associate justices.

They had either original, concurrent or appellate jurisdiction of all causes, civil or criminal. They also had supervision of all courts of inferior jurisdiction, with power to issue writs of error, certiorari, mandamus, prohibition and quo warranto. By the act of 1823 and subsequent amendments, this court was required to be held annually by a majority of the justices in each of the twelve counties, and an additional term for jury trials was to be held by one of the justices in each of the counties, except Franklin, Piscataqua, Washington and Hancock. Capital cases were to be tried by a majority of the court. In 1847 the number of judges was increased to four, and in 1852 to seven.

The Supreme Judicial Court of Maine as now constituted consists of a chief justice and seven associate justices, appointed by the governor for a term of seven

years, whose jurisdiction extends over the whole state. The general jurisdiction and powers of the court are substantially the same as when first established, except as to its equity powers. Maine followed Massachusetts in conferring equity powers on the Supreme Court, and the first public laws of Maine, passed in 1821, embodied practically all of the few existing laws of Massachusetts on the subject of equity powers without any material additions. These powers were increased from time to time, but the equity powers of the court were limited and strictly construed until the Act of 1874, which, in effect, conferred full equity powers upon the court, according to the usage and practice of Courts of Chancery.

The Supreme Court, when sitting as a law court or court of appeals to determine questions of law arising in suits at common law or equity, is composed of five or more justices, who hear and determine such questions by the concurrence of five members, and in any civil action in which there is a subsisting verdict, if a majority of the justices do not consent in granting a new trial, judgment must be rendered on the verdict. For the purposes of this law court, the state is divided into three districts, the western, middle and eastern; and the annual sessions of the law court are held at Portland in July, at Augusta in May and at Bangor in June. Two or more *nisi prius* terms of court are annually held by one justice in each county. No civil code of procedure has been adopted in the state, jurisdiction still being exercised according to the principles of the common law, when not in conflict with the Constitution or statutes, but the strict rules of common-law pleading have been so far abrogated that the merits of the case are not sacrificed to technicalities.

Such has been the development of the highest court of the state, which, ever since its establishment, at the beginning of Maine's independent career, has given general satisfaction, and proved an efficient tribunal. Its decisions upon common-law points have always shown a high grade of legal research and attainment, and are esteemed among the best in the state courts of the Union. Of late years some complaint has been heard that the increased business now tends to clog the machinery of the court somewhat, and create delay in the decisions of causes, and overcrowd the judges with work. The need of a separate court of appeals has consequently been suggested, but it is doubtful if this change is made for some years yet.

In the more populous counties of the state the crowding of the docket of the Supreme Court, owing to the increased business, became a source of annoyance as early as 1868, and to obviate this difficulty a Superior Court was established for the county of Cumberland, and ten years later for the county of Kennebec; a Superior Court was also established for the county of Aroostook, but has since been abolished. These are the forerunners, perhaps, of a general division of the judiciary for the state into *nisi prius* and appellate courts. The same effect was given to the jury trials in these Superior Courts as in *nisi prius* terms of the Supreme Court, viz.: judgment must be rendered on the verdict, unless a majority of the justices of the Supreme Court concur in granting a new trial, so that the facility for appeals, resulting in two trials in nearly every case, which had been the great defect in the Court of Common Pleas, was thus avoided. The jurisdiction of the Superior Court for the county of Cumberland in civil actions now includes appeals from lower courts, and concurrent jurisdiction with the latter in matters not exclusively cognizable by them, also exclusive original jurisdiction of other civil matters, where the damages demanded do not exceed \$500, and concurrent jurisdiction with the Supreme Court in all other civil matters, but with no jurisdiction in real actions, complaints for flowage, equity matters and divorces. It also has exclusive original and appellate juris-

diction of all criminal matters, including capital cases. The Superior Court for Kennebec county has the same jurisdiction, except that it has concurrent jurisdiction in divorce matters, and in trials for murder one of the judges of the Supreme Court must preside. The clerk of the Supreme Court in each county is clerk of the Superior Court.

The Court of Common Pleas was re-established in Maine in 1822, consisting of a chief justice and two associates, with jurisdiction extending over the entire state, the terms to be held by a single judge, who received a salary for his compensation instead of fees, as formerly. The justices first appointed for this court were Ezekiel Whitman of Portland, chief justice; and Samuel E. Smith, of Wiscasset, and David Perham, of Bangor, associates. In 1839, the Court of Common Pleas was superseded by the establishment of a District Court, comprising the counties of Lincoln, Kennebec and Somerset, in each of which three terms were held annually by one of the judges. It had original and exclusive jurisdiction of all civil action where the debt or damage demanded did not exceed two hundred dollars, and concurrent jurisdiction above that sum. It also had jurisdiction of all crimes and misdemeanors previously cognizable by the Court of Common Pleas. An appeal lay from this court to the Supreme Court at *nisi prius*. The ease with which these appeals could be taken proved a fatal defect, since two trials were thus had in almost every instance when one would have answered the same purpose. This intermediate system which had existed for one hundred and fifty years, under different names and with slightly varying jurisdiction, thus became so useless in its practical operation, that it was abolished by act of the legislature in 1852, and all its duties and powers, including appeals from justices of the peace, were transferred to the Supreme Court, the number of judges of that court being increased to seven.

The Probate Court, established under the Constitution of Massachusetts, was continued with substantially the same jurisdiction by act of the Maine legislature in 1821. In 1853 the office of both judge and register were made elective with a tenure of four years. The judge of Probate is also judge of the Court of Insolvency. The Supreme Judicial Court is the Supreme Court of Probate.

The office of justice of the peace was continued in Maine as it had previously existed in Massachusetts; but, in 1860, their jurisdiction for the trial of causes was taken away from them, and the office of trial justice established to hear small causes, civil and criminal. Municipal courts are also created by special charter with civil jurisdiction ranging from \$20 to \$300, and the same criminal jurisdiction as exercised by trial justice courts.

Such is the history and present status of the judicial system of Maine, a knowledge of which is essential to a full comprehension of its present character and an intelligent moulding of its future. The story of the patient and heroic efforts of the early settlers of Maine to establish and maintain here in the wilderness these institutions for the preservation of human justice and government which are the best fruits of ages of human experience and conflict, should never cease to interest their descendants. Beginning with mere voluntary combinations or conservations of the peace enforced by men prominent and respected amongst their contemporaries, but previous to the present century unlearned in the law, these institutions have grown step by step into a broad, diverse and technical system of judicature, administered by men deeply versed in the accumulated legal learning of the past, and carefully trained in the requirements of modern practice,—till to-day they constitute the indispensable balance-wheel of our political system.



## CHAPTER XCIX.

### EDUCATION IN MAINE.

BY WM. DE WITT HYDE, D.D.

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IT IS impossible to present a connected account of the development of education in Maine; for Maine never had a consistent and consecutive system of education, animated by clear conceptions of the relations of its several members to each other, and controlled from the centre by competent authority. Like Topsy, education in Maine has "just growed." Each district, each denomination, each institution, has worked away at its own immediate problem; sometimes with financial aid from the state, sometimes without such aid; but with a firm determination to have no outside interference with its internal affairs. With the exception of a brief period the state has had no Board of Education, and the office of state superintendent of common schools is supported by a meagre salary, and clothed with but slight authority; and its influence depends almost wholly on the intelligence and energy of the man who happens to hold it. Consequently the history of education in Maine is the history of the various institutions which have arisen from time to time to meet the needs of the community.

THE PUBLIC SCHOOLS.—As is frequently the case we first become aware of the law through its violation. In the last quarter of the seventeenth century we read of presentments of towns in the district of Maine for failure to provide schools in accordance with the laws of Massachusetts. Unless the law providing for schools had been observed sometimes and in some towns we should have no record of its violation at other times, and in other towns, and hence are warranted in the inference that the educational system of Massachusetts was to some extent introduced into the province of Maine during the last half of the seventeenth century. It is not until the first quarter of the eighteenth century, however, that we find recorded votes and appropriations for the support of public schools. These were, as a rule, schools of the most elementary character, kept in log-houses of the most primitive construction. During the second and third quarter of the century these elementary schools were extended, and grammar schools were established in the principal towns.

An Act of the General Court of Massachusetts in 1789 in explicit terms required towns to support schools, provided for the division of towns into districts, for the establishment of primary schools, and the compulsory support of a grammar school in each town of one hundred families; and the control of schools by the selectmen, or by a committee. In 1800 school districts were enabled to tax themselves, and to have charge of the expenditure of school money. In 1817 all school districts were made bodies corporate with power to hold property for school purposes and to maintain suits.

In 1820 Maine became an independent state. The schools were organized on the

district system inherited from Massachusetts. From the first, difficulties were found in adjusting the respective rights of district and town; and the early school legislation of Maine is largely occupied with this problem. In 1822 Portland, by special act of the Legislature, was enabled to abolish its districts, and give to its committee the powers of district agents. Bath in 1828, and Bangor in 1832, received similar permission.

In 1828 twenty townships of the public land were set apart as the basis of a state school fund. In 1833 the bank tax of one-half of one per cent. was set aside for public instruction, to be apportioned annually among the towns according to the number of children of school age. As a basis for this apportionment, school statistics were essential, and the district agents were required to prepare lists of school children within their districts, which the selectmen were required to return to the secretary of state.

In 1834 the school laws were reduced to a single statute. Committees were required to present to their towns a written report on the state of the schools.

In 1846 a State Board of Education was established, consisting of one member from each county. The first report of the secretary, in 1847, gives the first reliable school statistics of Maine. The number of persons between four and twenty-one years of age was 201,992; number in winter schools, 94,217; in summer schools, 96,127, or less than one-half; average length of school year, twenty-one weeks; average wages of teachers per month: men, \$16.71; women, \$6.08, exclusive of board. During the six years of its existence the board exercised stimulating and beneficial influence upon the schools of the state. It created a demand for better teachers; disseminated information about methods of teaching and the construction of school-houses, collected educational statistics; held teachers' institutes annually in each county, and thus prepared the way for the formation of county teachers' associations.

In 1852, by one of the most wanton and unscrupulous acts in the whole history of partisan politics, the board, and with it the teachers' institutes, were abolished. In place of the board county commissioners were appointed in 1852 and 1853; but they accomplished little.

In 1854 the office of state superintendent of schools was established, and Charles H. Lord was appointed the first superintendent.

In 1860 the county teachers' conventions were abolished; and from 1860 to 1862, in place of them normal departments were maintained by the state in connection with eighteen academies. In 1863 the Legislature authorized the establishment of two state normal schools.

In 1868 towns were required to raise at least one dollar for each inhabitant for school purposes. In 1872 this requirement was reduced to eighty cents per inhabitant.

The greatest service to the school system of the state ever rendered by one man was the administration of Warren Johnson as state superintendent from 1868 to 1876. He called attention to the lack of school inspection, the incompetence of teachers, the low wages and the short schools. The free high-school system is the crowning monument of his administration.

In 1869 the teachers' institutes were re-established, and a board of county supervisors was created. These supervisors were required to assist the secretary in holding institutes, to organize teachers' associations, to visit schools, and to report upon the condition of buildings, the efficiency of teachers, the methods of instruction, and the general condition of the schools. Thus they constituted a board of education, and were required to hold a session at the capital during the session of the legis-

lature. A new interest was awakened in the schools; the qualifications of teachers were improved; abuses were discovered and corrected as the result of this more efficient method of inspection, and the attendance was raised from an average of 42 per cent. in 1868 to an average of 50 per cent. in 1871. Again, as in 1852 it had abolished the original board, the legislature in 1872 abolished county supervision.

With the exception of the development of free high schools, a subject which deserves treatment by itself, the state has done little for the public schools during the past twenty years except the collection and publication of statistics and information by the state superintendent. In 1893, in response to a petition presented and supported by the council of the Pedagogical Society, the district system, the anomalous survival of provincial days, was abolished by the legislature. The present superintendent, Mr. W. W. Stetson, has attacked vigorously the problem of the rural schools; published statistics showing their condition and needs, and recommended to the legislature the following three measures for their improvement: first, to require all teachers who teach in the state after August, 1899, to hold a certificate from a State Board of Examiners, as a condition of granting state money to the town employing them; second, to permit and encourage by a state contribution toward the salary of a superintendent, the grouping of towns having less than thirty schools for the purpose of employing an expert superintendent, who shall give his entire time to the supervision of the schools in the grouped towns; third, to hold training schools for teachers during the summer vacation, where for at least four weeks teachers shall be trained both in methods of teaching and in the subjects they are called upon to teach. The state appropriates in aid of the common schools the proceeds of a school fund and a mill tax. This appropriation for 1896 amounted to \$509,933.05.

**FREE HIGH SCHOOLS.**—In 1873 towns were authorized to establish free high schools, and were promised one-half the cost of instruction, provided that the sum paid by the state should not exceed \$500, and on condition that the towns should make special appropriations for this purpose, and that there should be no charge for tuition. One hundred and fifty schools were aided under the provisions of this act the first year, and maintained at an expense of \$83,524, of which the state paid \$29,135. In 1879 the operation of this act was suspended for one year, and in 1880 the maximum amount of state aid was reduced to \$250. These schools have advanced steadily in popular favor, and have given better teachers and higher ideals to the common schools. The report of the superintendent for 1891 shows the growth of these schools between 1881 and 1891 as follows: number of schools, from 100 to 228; total expense, from \$69,469 to \$147,575; state's share of expense, from \$16,910 to \$39,521; aggregate number of weeks, from 2,344 to 5,406; aggregate attendance, from 7,792 to 15,739; average attendance, from 5,592 to 12,836. In 1894-95 the amount expended was \$180,799; the state's share was \$44,000. Facts for 1894-95 are not shown in report for 1896.

**ACADEMIES.**—One of the most potent factors in the educational history of Maine is the work of the numerous academies. Twenty-three academies had received two hundred and fifty-three thousand nine hundred and eighty acres of wild land from Massachusetts prior to the separation of Maine. Between 1820 and 1851 forty-four academies were chartered, receiving from the state three hundred and thirty-two thousand nine hundred and eighty acres of land and \$20,000 in money for their support. Up to 1876 the chartered academies had received from the state \$230,000 and \$135,000 from individuals.

The act establishing free high schools, passed in 1873, was a death-blow to all



but the stronger of the old academies. It had always been difficult, and it now became impossible, to support a good school wholly or chiefly by the tuition fees. Many of the academies transferred their buildings and funds to the towns in which they were located, and were thus transformed into free high schools. A few academies have received aid from the state. In 1891 the legislature granted fourteen academies an annual gift of \$500 each for ten years, two \$800 for ten years and one \$300 for ten years. The following table, taken from the forthcoming "History of Education in Maine," now in the hands of the U. S. Bureau of Education, gives the incorporated academies of Maine in the order of incorporation. Academies not in operation are indicated by an asterisk (\*).

## INCORPORATED ACADEMIES OF MAINE.

	LOCATION.	DATE OF INCORPORATION.	REMARKS.
*Hallowell Academy.....	Hallowell .....	1791.....	Merged in Hallowell Classical and Scientific Academy.
Berwick Academy.....	South Berwick.....	1791.....	
Fryeburg Academy.....	Fryeburg .....	1792.....	
Washington Academy.....	East Machias.....	1792.....	
*Portland Academy.....	Portland.....	1794.....	
Lincoln Academy.....	Newcastle.....	1801.....	
*Gorham Academy.....	Gorham .....	1803.....	Maine Female Seminary in 1850, now Normal School.
Hampden Academy.....	Hampden .....	1803.....	
Bluehill Academy.....	Bluehill.....	1803.....	
Hebron Academy.....	Hebron.....	1804.....	
*Bath Academy.....	Bath.....	1805.....	Now High School.
*Farmington Academy.....	Farmington .....	1807.....	Now Normal School.
*Bloomfield Academy.....	Skowhegan.....	1807.....	Now High School.
*Warren Academy.....	Warren.....	1808.....	
*Belfast Academy.....	Belfast .....	1808.....	Conveyed to the city in 1852.
Bridgton Academy.....	Bridgton.....	1808.....	
*Bath Female Academy.....	Bath.....	1808.....	Extinct prior to 1851.
*Wiscasset Academy.....	Wiscasset .....	1808.....	Extinct prior to 1851.
Monmouth Academy.....	Monmouth.....	1808.....	
Limerick Academy.....	Limerick .....	1808.....	
North Yarmouth Academy..	Yarmouth .....	1811.....	Now Yarmouth Academy.
Thornton Academy.....	Saco.....	1811.....	Formerly Saco Academy.
*Young Ladies' Academy.	Bangor.....	1818.....	Extinct in 1851.
*Cony Female Academy.....	Augusta .....	1818.....	Now Cony High School.
*China Academy.....	China.....	1818.....	Conveyed to district in 1887.
Maïne Wesleyan Seminary.....	Kent's Hill.....	1821.....	
*Gardiner Lyceum.....	Gardiner.....	1822.....	
*Brunswick Academy.....	Brunswick.....	1822 .....	Extinct in 1851.
Foxcroft Academy.....	Foxcroft.....	1823.....	
Anson Academy.....	North Anson.....	1823.....	
*Oxford Female Academy.....	Paris.....	1827.....	Never in operation.
*Dearborn Academy.....	Buxton .....	1828.....	Organization not permanent.
*Cherryfield Academy.....	Cherryfield .....	1829.....	Used for town schools.
*Alfred Academy.....	Alfred .....	1829.....	
Westbrook Seminary.....	Westbrook .....	1831 .....	
*Titcomb Academy.....	North Belgrade.....	1831.....	
*Eastport Academy.....	Eastport.....	1832.....	
*St. Alban's Academy.....	Hartland .....	1832.....	Building used for town schools.
Parsonfield Seminary.....	No. Parsonfield.....	1833.....	

NAME.	LOCATION.	DATE OF INCORPORATION.	REMARKS.
*Lee Meadows Academy.....	Weld.....	1833.....	Never organized.
*Union Academy.....	Kennebunk.....	1834.....	Property distributed.
*Falmouth Academy.....	Falmouth.....	1834.....	Extinct prior to 1851.
*Sanford Academy.....	Sanford.....	1834.....	School not established. Now High School.
*Lewiston Falls Academy.....	Danville.....	1834.....	In 1866, Edward Little Institute. Since 1873, High School.
*Vassalborough Academy.....	Vassalborough.....	1835.....	
*Waterville Liberal Institute.....	Waterville.....	1835.....	
Gould's Academy.....	Bethel.....	1836.....	
Freedom Academy.....	Freedom.....	1836.....	Occasionally open. No funds.
*Athens Academy.....	Athens.....	1836.....	Now Somerset Academy.
*Livingston Academy.....	Richmond.....	1836.....	Extinct prior to 1851.
Waldoboro' Academy.....	Waldoboro'.....	1836.....	
*Calais Academy.....	Calais.....	1836.....	City High School.
Norridgewock Female Academy.....	Norridgewock.....	1836.....	
Charleston Academy.....	Charleston.....	1837.....	Now Higgins Classical Institute.
*Clinton Academy.....	Benton.....	1839.....	
*Elliot Academy.....	Elliot.....	1840.....	
Waterville Academy.....	Waterville.....	1842.....	Now Coburn Classical Institute.
Litchfield Academy.....	Litchfield.....	1844.....	
*Dennysville Academy.....	Dennysville.....	1845.....	
*Monroe Academy.....	Monroe.....	1845.....	
*Brunswick Seminary.....	Brunswick.....	1845.....	Existence nominal in 1851.
*Brewer Academy.....	Brewer.....	1845.....	
*Newport Academy.....	Newport.....	1845.....	
*St. George Academy.....	St. George.....	1845.....	
Lee Normal Academy.....	Lee.....	1845.....	
*Thomaston Academy.....	Thomaston.....	1845.....	Sold to city, 1867.
Somerset Academy.....	Athens.....	1846.....	
Mattanawcook Academy.....	Lincoln.....	1846.....	
East Corinth Academy.....	East Corinth.....	1846.....	
Houlton Academy.....	Houlton.....	1847.....	Now Ricker Classical Institute.
Patten Academy.....	Patten.....	1847.....	Conducted as a high school.
Monson Academy.....	Monson.....	1847.....	
*Litchfield Liberal Institute.....	Litchfield.....	1847.....	
*Union Academy.....	Oldtown.....	1848.....	
Limington Academy.....	Limington.....	1848.....	
*Standish Academy.....	Standish.....	1848.....	
Bucksport Seminary.....	Bucksport.....	1849.....	In 1850 East Maine Conference Seminary.
*Norway Liberal Institute.....	Norway.....	1849.....	
*Oxford Normal Institute.....	South Paris.....	1849.....	
*East Pittston Academy.....	East Pittston.....	1850.....	
Lebanon Academy.....	Lebanon.....	1850.....	
*Yarmouth Institute.....	Yarmouth.....	1851.....	
Corinna Union Academy.....	Corinna.....	1851.....	
*Towle's Academy.....	Winthrop.....	1852.....	
Oak Grove Seminary.....	Vassalborough.....	1854.....	New charter 1857.
Maine State Seminary.....	Lewiston.....	1855.....	Now Bates College.
*Presque Isle Academy.....	Presque Isle.....	1858.....	Property sold 1883.
*West Gardiner Academy.....	West Gardiner.....	1859.....	
*Harpswell Academy.....	Harpswell.....	1859.....	
Greely Institute.....	Cumberland.....	1859.....	

NAME.	LOCATION.	DATE OF INCORPORATION.	REMARKS.
*Richmond Academy.....	Richmond .....	1861.....	Now High School.
Paris Hill Academy .....	Paris .....	1861.....	
Maine Central Institute .....	Pittsfield .....	1866.....	
Wilton Academy .....	Wilton.....	1866.....	
*Augusta Academy .....	Augusta.....	1867.....	
*Passadumkeag Academy.....	Passadumkeag.....	1867.....	Not organized.
*Hallowell Classical and Scien- tific Academy .....	Hallowell.....	1872.....	
*St. Dennis Academy.....	Whitefield.....	1872.....	Not in operation.
*Dixfield Academy.....	Dixfield.....	1883.....	Not organized.
Van Buren College.....	Van Buren.....	1887.....	Catholic School.
George Stevens Academy.....	Bluehill .....	1891.....	
Higgins Classical Institute.....	Charleston.....	1891.....	
Bridge Academy.....	Dresden .....	1891.....	

The limits of this chapter render it impossible to speak of the work of these academies in detail. They have been a powerful agency in the intellectual, moral and religious life of the state. The rise and development of the high schools has been fatal to nearly all of these academies, which have relied mainly upon the support of the immediate localities in which they are situated. A few, situated in the midst of small farming towns, like Washington Academy, Lincoln Academy, Gould Academy, Bridgton Academy, Fryeburg Academy, Yarmouth Academy, and Wilton Academy are able, with the aid of small endowments, to maintain their existence. Thornton Academy and Berwick Academy have excellent buildings and considerable endowments. The chief support of the other leading academies comes through their denominational affiliations. Coburn Classical Institute, so long and ably conducted by Dr. James A. Hanson; Hebron Academy, Ricker Classical Institute, and Higgins Classical Institute are all supported by the Baptist denomination. They are closely connected with Colby University, and are indebted to the efforts of the University for their generous equipment and endowment.

The Maine Wesleyan Seminary, of which Dr. Henry P. Torsey was for so many years the honored and beloved principal, and the East Maine Conference Seminary are Methodist institutions.

The Maine Central Institute is supported by the Free Baptists; Westbrook Seminary, by the Universalists; Oak Grove Seminary, by the Friends. The Congregationalists were prominent in the establishment of the greater number of the earlier academies; but as a denomination they have done very little for their support in recent years. An attempt was made to establish a Congregational academy at Hallowell, in 1872; a large sum of money was subscribed, but through unfortunate management the money was wasted, and the enterprise was abandoned.

**NORMAL SCHOOLS.**—In 1860, normal departments were established by the Legislature in eighteen academies. In 1862, they were discontinued. In 1863, an act was passed authorizing the establishment of two normal schools, one in the eastern and one in the western part of the state. The first school was located in Farmington in 1863, and opened in 1864.

Under the principalship of Charles C. Rounds (1868–1883), the school attained a high position among the educational forces of the state; which has been sustained and strengthened by Mr. George C. Purington, who has been principal since 1883. The school had enrolled previous to January, 1897, 3080 students, of whom 944 have graduated.



The second normal school was opened at Castine, in 1867, with Mr. G. T. Fletcher as principal. In 1879, Mr. Fletcher was succeeded by Mr. Roliston Woodbury, who gave to the institution the services of a faithful teacher and the influence of a noble character until his death, in 1888. Under Mr. Albert F. Richardson, the school has continued to increase in attendance and influence.

A third normal school was established at Gorham, in 1878, and opened in 1879, with Mr. W. J. Corthell as principal.

To meet the peculiar needs of the northeast corner of the state, the Madawaska Training School was opened at Fort Kent. At first, the school alternated between Fort Kent and Van Buren, and later between Fort Kent and Grand Isle. In 1887, the school was permanently located at Fort Kent. The school has greatly improved the quality of teaching in the schools of the section of the state in which it is located.

**BOWDOIN COLLEGE.**—Bowdoin College was established in response to a widespread desire of the inhabitants of the district of Maine. Its charter was signed by Governor Samuel Adams on June 24, 1794. The college was named in honor of Governor James Bowdoin, of Massachusetts. Its earliest patron was the Hon. James Bowdoin, who was Minister-plenipotentiary to the Court of Spain under the administration of President Jefferson. During his lifetime he gave land, money and apparatus to the college, and at his death it became his residuary legatee.

The college opened for work in September, 1802, with the inauguration of Rev. Joseph McKeen as president, and John Abbot as professor of ancient languages. In 1805 Parker Cleaveland was elected professor of mathematics and natural philosophy. Rev. Jesse Appleton became president in 1807. During his administration the religious life of the students was quickened, the material equipment of the college was enlarged, and the reputation of the institution for "good morals and sound scholarship" established. The presidency of the Rev. William Allen, 1820-1839, was a period of strife and litigation. Although President Allen failed to impress his own personality upon the institution, he gathered about him a great faculty, whose long and faithful service did more for the college than all its presidents have ever done. Samuel P. Newman, Alpheus S. Packard, Thomas C. Upham and William Smyth, together with Parker Cleaveland, continued on an average upwards of forty-five years, and impressed the institution most powerfully and beneficially with their marked and vigorous personalities.

President Woods, 1839-1866, by his courtly grace, refined taste and rare culture, lifted the little college into the larger atmosphere of the scholarly world, and impressed high standards of gentlemanly bearing upon the students. But the substantial strength of the institution during this period was contributed by the strong faculty already mentioned, and the development of educational policy, which is the chief work of the modern college president, received but little attention. Fortunately his successor, Rev. Samuel Harris, 1866-1871, was a man of pre-eminent gifts as an educator, and he at once placed the curriculum of the college upon a broad, sound and progressive basis. Gen. Joshua L. Chamberlain, 1871-1883, brought to the college a brilliant record as an officer during the war and as governor of the state. He continued the work inaugurated by President Harris, and introduced a scientific department, which for a decade gave thorough instruction in applied science, but was discontinued on account of lack of funds to maintain two courses so distinct in aim and method.

During the present administration the elective system has been greatly extended, facilities for thorough laboratory work have been given to the college, the library has been made more accessible and useful, and systematic physical training has been established.

The college has among its twelve buildings four of which it is especially proud: The Chapel, a monument to the spirit of President Woods; Memorial Hall, with its tablets inscribed with the names of those who served their country in the Civil War; the Walker Art Building, erected by the Misses Walker, of Waltham Mass., as a memorial of their uncle, Theophilus Wheeler Walker, of Boston; and the Mary F. S. Searles Scientific Laboratory, erected by Edward F. Searles in memory of his wife.

Bowdoin College has given to literature Nathaniel Hawthorne and Henry W. Longfellow; to law, Melville W. Fuller, John Appleton, Thomas Drummond and William L. Putnam; to theology, Calvin E. Stowe, Henry B. Smith, C. C. Everett, Samuel Harris, Daniel R. Goodwin, Egbert C. Smyth and Newman Smyth; to political life, Franklin Pierce, William Pitt Fessenden, John P. Hale, Seargent S. Prentiss, John A. Andrew, William P. Frye and Thomas B. Reed. Among its twenty-six hundred graduates there have been one President of the United States, one chief justice of the United States, four judges of state courts, six ministers to foreign countries, nine United States Senators, twenty-five members of the national House of Representatives, seven governors of states, one hundred and forty-six officers in the army and navy, thirty-one presidents of colleges, and one hundred and thirteen professors in colleges and higher institutions of learning.

**COLBY UNIVERSITY.**—Colby University received its charter from the Legislature of Massachusetts in 1813, in response to petitions from the Baptist Associations of the district of Maine. Its original name was The Maine Literary and Theological Institution. In 1817 the trustees voted to locate the institution at Waterville. The institution was opened in July, 1818, with Rev. Jeremiah Chaplin as professor of theology. In the following May there were seventeen students of theology. Tuition was \$4 a quarter; board was \$1 a week. In 1819 Rev. Avery Briggs was elected professor of languages; and in October of that year the literary department opened under his direction with about twenty-five students.

Although founded by a religious denomination the institution was administered from the first in a broad and catholic spirit, and in 1820 this attitude was confirmed and enforced by an act of the Maine Legislature, which provided that the corporation should have no rule or by-law requiring that any member of the trustees shall be of any particular denomination, and that no student shall be deprived of any of the privileges of the institution on theological grounds. In 1821 the name was changed to that of Waterville College. In 1822 Rev. Jeremiah Chaplin, D. D., the professor of theology, became the first president of the college, and Rev. Stephen Chapin was elected professor of theology. In 1822 there were seventeen students in the college, five in the theological school, and eight in the Latin school established in connection with the college. At the first commencement, which occurred this year, a class of two were graduated. The expenses of students at this time were: Tuition, \$16; room rent, \$12; board, \$1.34 a week, if paid in advance.

The theological department was speedily overshadowed by the literary department, and after graduating fifteen students, came to an end in 1825.

From 1830 to 1842, a manual labor department was maintained in connection with the college. Three shops were erected. Doors, blinds, bedsteads, tables, chairs and boxes were manufactured. A boarding house was built by the students. In one of the shops a printing office was started. Three hours a day were assigned to labor; and the students earned from fifty cents to two dollars and a-half a week. But owing to lack of skill and inferior work on the part of the students the plan was a failure financially, and after sinking several thousand dollars the college abandoned the enterprise.

From 1833 to 1836, under the presidency of Rev. Rufus Babcock, Jr., the college paid off a debt of \$18,000; erected a new building and brought the value of grounds and buildings up to \$50,000, and the number of students for the first time up to one hundred.

The presidency of Rev. Robert E. Pattison, D.D., from 1836 to 1839, was marked by increase in number of students and improvement in the quality of instruction, but was a period of great financial hardship and discouragement. In 1840 the college was saved from extinction by a subscription of \$50,000.

The presidency of Eliphaz Fay, A.M., from 1841 to 1843, was inharmonious and brief. The ten years from 1843 to 1853, under the presidency of Rev. David N. Sheldon, D.D., were years of great intellectual advance. President Sheldon was a man of broad scholarship, and applied himself to broadening the course of study. He gathered about him professors of eminence. President Pattison served a second term of three years as president, from 1853 to 1856.

President James T. Champlin, D.D., gave the college an eventful and inspiring administration for the following fifteen years from 1857 to 1872. He came to the presidency knowing that its buildings were out of repair, and that its invested funds amounted to only \$15,000. The Civil War reduced the number of students from 122 to 62.

In 1864 Mr. Gardner Colby, of Newton, Mass., offered the college \$50,000 on condition that \$100,000 should be secured by the college. The sum was raised within about two years, and thus an endowment of \$150,000 was secured to the college. In recognition of this timely and generous gift, the name of the institution was changed in 1867 to that of Colby University. In 1869 the Memorial Hall was completed at a cost of \$50,000. In 1872 Coburn Hall was completed and devoted to the study of natural science. The older buildings were remodeled and renovated. President Champlin left the university in 1872 with \$214,000 of endowment.

In spite of the great financial advance there was no increase in students during the presidency of Dr. Champlin. President Henry E. Robbins, who was president from 1873 until 1882, addressed himself to the educational problems of the university. Instruction at once became more effective, elective courses were extended, the gymnasium was utilized, the library was placed in charge of a paid librarian. From an average of fifty students during the preceding years the average attendance during his administration rose to one hundred and eighteen. Women were admitted to the college in 1874. During the presidency of Rev. George D. B. Pepper, D.D., 1882-1889, \$200,000 was received from the estate of Hon. Abner Coburn. The Shannon Observatory and Physical Laboratory was built at a cost of \$15,000 by Col. Richard C. Shannon, and a professorship of geology and mineralogy was established.

Under the inspiring leadership of Albion W. Small, Ph.D., president from 1889 to 1892, the number of students rose rapidly. The young men and the young women in the University were separated into co-ordinate colleges, with identical standards of requirement, but with separate instruction so far as practicable. A Board of Conference was established to enable the students to co-operate with the faculty in the government of the college. Upon the resignation of President Small in 1892, Rev. B. L. Whitman, D.D., was elected president. President Whitman was succeeded by Nathaniel Butler, D.D., in 1896.

Colby University has over a thousand graduates. The general catalogue for 1887 shows that the 862 Alumni at that time, had furnished 228 clergymen, 3 governors of states, 39 journalists, 14 judges, 188 lawyers, 8 members of Congress, 14 foreign missionaries, 62 physicians, 8 presidents of colleges, 37 professors in colleges.



BATES COLLEGE.—Bates College was started in 1863 ; although its charter was not granted by the Legislature until January, 1864. Its primary aim was to provide a denominational college for the Free Baptists of New England. It was the pioneer of co-education in New England. It has sought especially to meet the wants of students who are dependent upon their own efforts in securing a college education.

The college grew out of the Maine State Seminary ; a Free Baptist institution chartered by the state in 1855. Rev. Oren B. Cheney, D.D., was the founder of the seminary, the principal of the seminary, the founder of the college, and for over thirty years the president of the college.

As the income of the seminary at the time it undertook the additional work of a college was less than six thousand dollars, and as there had been no strong demand for another college on the part of either the state or the Free Baptist denomination, the financial support of the college presented a serious problem. With tireless zeal and unremitting persistency Dr. Cheney gave himself to the work of soliciting gifts and bequests to the new college. Mr. Benjamin E. Bates in 1863 offered the college \$25,000, on condition that the college should raise \$75,000, and in 1864 offered \$75,000 more on condition that the college should raise \$25,000. These conditions were met. Mr. Bates paid the college \$100,000. In recognition of his liberality the trustees voted that the college should bear his name. In 1864 by act of the Legislature the name was changed from the Maine State Seminary to Bates College.

The college opened with a president, a professor of Latin, a professor of Greek, a professor of mathematics and a tutor in Latin and mathematics, and with a Freshman class of sixteen.

At first the seminary remained as a part of the college. Out of the college preparatory class in the seminary was developed the Latin school. The ladies' department of the seminary was presented to the Maine Central Institute at Pittsfield ; and the seminary was discontinued at the close of the summer term in 1870. In the fall of that year the theological department was opened in the building vacated by the seminary. An account of this department will be found under the head of Professional Schools.

The support of a college and a theological school together on such a slender endowment, and with a tuition of only \$36 a year, which was remitted in many cases altogether, was obviously impossible. In 1877 the floating debt of the institution had risen to \$86,000, and the invested funds of the college were reduced to about \$120,000. In the meantime Mr. Bates had offered another \$100,000 on condition that the college should raise an equal sum. Subscriptions amounting to the requisite \$100,000 were secured, though, owing to the business depression, they were not all actually paid. In 1878 Mr. Bates died, and the court decided that his estate was not under obligation to pay the \$100,000 pledged conditionally by Mr. Bates.

By the efforts of President Cheney and Professor Chase during the next six years sufficient funds were secured to give the college about \$150,000 as a productive fund, and an income of \$18,000. Subsequent gifts brought the productive fund of the college and divinity school together up to \$300,000 in 1891, with buildings and grounds valued at \$200,000. Professor George C. Chase was elected president in 1894.

The course of study is the traditional college curriculum, including the classics, mathematics, modern languages, English literature, rhetoric, political economy, science, psychology, logic, and the evidences of Christianity. The college has aimed to give thorough discipline and drill within the lines laid down in its curriculum. More than forty per cent. of the graduates of Bates' College have become teachers, and

many have won a high place in that profession. More city high schools in new England are taught by graduates of Bates than by graduates of any other college. The college has been highly favored in the self-sacrificing devotion of the loyal professors who have stood by it during its periods of trial and hardship, and who have contributed so much to bring about the prosperity it now enjoys.

**THE MAINE STATE COLLEGE.**—The Maine State College of Agriculture and the Mechanic Arts originated in the act of Congress in 1862, which provided for land-grant colleges. After the conditions of the act were accepted by the legislature it remained a question whether the new institution should be a separate college, or should be united with one of the existing colleges. Governor Coburn, in 1863, and Governor Cony in 1864 favored union with one of the colleges. The commissioners appointed to consider the matter recommended that the new institution be connected with Bowdoin College. The State Board of Agriculture vigorously opposed this plan, and was supported in this opposition by the *Maine Farmer*. After prolonged discussion the legislature decided in favor of making it an independent institution.

The first meeting of the trustees was held in April, 1865. In January, 1866, the Board voted to locate the college at Orono, on a farm of three hundred and seventy-six acres, which was given to the state by the towns of Orono and Oldtown. In 1867 the two sets of farm buildings which were given with the land were fitted up; one for the superintendent of the farm, and the other for the first professor. Wingate Hall, begun in 1867, was completed in 1868. In September, 1868, the first class, consisting of twelve students, was admitted. The faculty consisted of Professor M. C. Fernald, professor of mathematics, and Samuel Johnson, farm superintendent and instructor in agriculture. In the following year Stephen F. Peckham was elected professor of chemistry, and soon after, John Swift was added as instructor in botany and horticulture. This slender force of instructors was supplemented, during the early years of the college, by temporary lecturers on special topics.

In 1871, Rev. Charles F. Allen, D. D., was chosen the first president of the college, and continued to hold that office until 1878. In 1879 Professor Merritt C. Fernald was elected president. His administration, lasting from 1879 until 1893 gave to the college its present form, and developed the courses of study which are given at present. In 1893 he was succeeded by President Abram W. Harris. The college offers nine courses of study—Latin Scientific, General Scientific, Chemical, Agricultural, Preparatory Medical, Pharmacy, Civil Engineering, Mechanical Engineering, Electrical Engineering, and also shorter courses in the above subjects, and a course of one year in library economy. In 1887 an experiment station was established in connection with the college.

The college in 1892 held buildings, library, apparatus and stock valued at \$260,000; a fund from the sale of land of \$131,000, and a fund given by the will of Governor Abner Coburn of \$100,000. The state has appropriated to the college from 1867 to 1896, \$353,718. The 350 living graduates in 1892 were distributed in the following occupations: Farmers, 17; specialists in agriculture, 17; engineers-in-chief on railroads, 6; civil engineers, 66; architects, 4; mechanical engineers, 44; superintendents of manufactories, 5; manufacturers, 16; physicians, 10; lawyers, 17; clergymen, 3; journalists, 8; in commercial business, 21; teachers, 35; miscellaneous and unknown, 81.

**THE MEDICAL SCHOOL OF MAINE.**—The first legislature of Maine established the Medical School of Maine, June 27, 1820; putting it under the control of the trustees and overseers of Bowdoin College, granting fifteen hundred dollars for books and apparatus, and appropriating one thousand dollars annually until otherwise

ordered. The first course of lectures was given in 1821. The annual grant was discontinued in 1834. Adams Hall, the present home of the school, was erected in 1861. Among its professors have been Nathan Smith, John D. Wells, Parker Cleaveland, William Sweetser, Edmund R. Peaslee, David S. Conant, William W. Greene, James McKeen, Ebenezer Wells, Fordyce Barker, Amos Nourse, Theodore H. Jewett, William C. Robinson, Edward W. Jenks, Israel T. Dana, Stephen H. Weeks, Alfred Mitchell, Frederic H. Gerrish, Charles O. Hunt, Burt G. Wilder, Robert Amory, Henry H. Hunt, Charles D. Smith, Franklin D. Robinson and John F. Thompson.

**BANGOR THEOLOGICAL SEMINARY.**—Bangor Theological Seminary was founded under the name of "The Maine Charity School," by the Society for Promoting Theological Education, which had been formed in 1810 at Portland. The charter of the seminary, granted in 1814, was broad, and allowed classical as well as theological instruction. The seminary was opened at Hampden, in 1816, under the charge of Jehudi Ashman. In 1819 the seminary was removed to Bangor.

The seminary was originally intended to prepare for the ministry students who had not received a previous collegiate training. The first two years were to be devoted to classical studies, and the last two years to theological studies. The first college graduates entered the seminary in 1833. The classical instruction during the first two years of the course was discontinued in 1836.

The seminary struggled through its first twenty years with little or no endowment. In 1835, \$133,356 was subscribed for the endowment of the institution; but, owing to financial reverses and depreciation of property, not more than one-third of the subscription was ever collected. In 1847 and in 1849 professorships were endowed. Bequests from the Waldo family of Worcester, Mass., of \$15,000; from the Washburn family of Worcester, of \$40,000; from William E. Dodge, of \$5,000; from Dr. Jacob Hayes, of \$10,000; from Hiram and William Fogg, of \$13,000; from Richard P. Buck, of \$25,000; from Henry Winkley, of \$30,000, have placed the seminary on a permanent though not adequate financial basis. In 1892 \$10,000 was raised to endow the Bond Lectureship.

Among the professors of Bangor Seminary are included many men who have been prominent leaders of religious thought:—Jehudi Ashman, Leonard Woods, Enoch Pond, Samuel Harris, Cyrus Hamlin, William M. Barbour and Lewis F. Stearns. The seminary has buildings and grounds valued at \$65,000, and an endowment of \$225,000.

The course of study is substantially the same as that of the leading theological seminaries. In addition to this course, the trustees in 1893 introduced a course in which careful study of the English Bible is substituted for a portion of the work in ancient languages which is required in the classical course.

During the eighty years of its existence this seminary has sent out seven hundred and fifty graduates, and has educated for one or more years without graduation two hundred and thirty more. These men have made a faithful and useful body of workers. The majority of them are still living, and are at their posts all over the land or on foreign shores, in pulpits of many denominations and of every grade of eminence.

**COBB DIVINITY SCHOOL.**—This school is the oldest higher institution of learning in the Free Baptist denomination. It was founded September 1, 1840, when the Education Society established a library department in connection with Parsonsfield Seminary, in Parsonsfield, Maine. The name the next year was changed to Biblical department, and in September, 1842, the department was moved to Dracut, Mass., as an independent Biblical school. In November, 1844, it moved again to Whites-



town, N. Y., where it remained ten years. In the fall of 1854 it was transferred to New Hampton, N. H., remaining there until the school was opened at Lewiston, in 1870, as a department of Bates College.

Rev. Moses M. Smart was placed at the head of the school at the beginning, and continued in that relation from 1840 until 1848. In 1844 Rev. J. J. Butler was associated with Professor Smart as professor of theology, and remained with the school until 1873. Rev. John Fullonton became professor of Hebrew and church history in 1850. In February, 1894, he relinquished teaching. Rev. Benjamin F. Hayes, who had been connected with the school since 1870, was inaugurated, September 12, 1894, as professor of apologetics and pastoral theology. In 1872 Rev. James A. Howe became professor of dogmatic theology, and subsequently of homiletics. Thomas Hill Rich served as professor of Hebrew from 1872 until the time of his death, in 1893. Rev. Alfred W. Anthony became professor of New Testament exegesis and criticism in 1890. Rev. Herbert R. Purinton was made instructor in Hebrew and church history in June, 1894, and was promoted to the full professorship in June, 1895.

In 1888, in recognition of a gift of \$25,000 from Hon. J. L. H. Cobb, of Lewiston, the name of the school was changed to that of Cobb Divinity School. In 1895 a separate building for the exclusive use of the school was erected by Mr. Lewis W. Anthony. These and other gifts have given the school a foundation nearly adequate to its support on the present basis. The school has done excellent service in consolidating the interests of the Free Baptist denomination, and elevating the intellectual standard of its ministry.

A Biblical Training School was established by vote of the Trustees, June 27, 1894, to provide for the needs of students not qualified to enter the divinity school. Its students have equal privileges in the building, libraries, lectures, and advantages already described. Its classes, however, are totally distinct from those of the divinity school, the students uniting only in common chapel exercises and common prayer-meetings. This department was opened September 10, 1895.

The course of study is designed to be of practical value to Sunday-school superintendents, Bible-class teachers, evangelists, and intelligent Christians generally, as well as to persons who contemplate the ministry.

EDUCATIONAL ASSOCIATIONS.—The Maine Educational Association was formed in 1859, and from that time until its dissolution in 1882, it exerted a stimulating effect upon the teachers of the state, and made timely and judicious recommendations in favor of the abolition of the district system; the establishment of free high schools, free text-books, Normal schools, libraries, and the lengthening of the school year. The association, in 1882, transferred its records and property to the Maine Pedagogical Society.

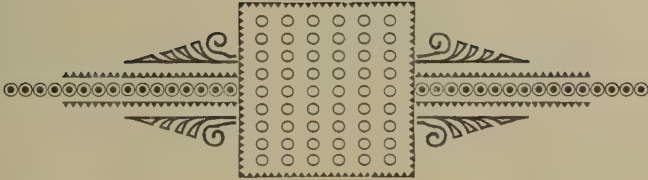
The Maine Teachers' Association was organized in 1876. This association held meetings regularly until 1879, when it also transferred its property to the Maine Pedagogical Society.

The Maine Pedagogical Society, the heir of the two preceding Associations, was organized at Waterville, May 7, 1880, on a more distinctly professional basis. Its object was "the consideration and discussion of all questions relating to the organization and government of schools, methods of instruction, professional standards, and the principles which should control the policy and legislation of the state in respect to education." Two grades of membership are established; the first including graduates of colleges who have had ten years of successful experience in teaching, and non-graduates who have had ten years of successful experience in teaching

and are instructors in colleges, principals of Normal schools, principals of preparatory schools or schools of equal grade; the second grade including teachers of specified qualifications.

The society has called out valuable discussions of educational questions, and reports on special departments of educational work. In 1892 a council was chosen to prepare topics for discussion at the meetings of the society, and to present to the legislature such measures as the society approves. The first fruit of the efforts of this council was the abolition of the district system by the legislature in 1893.

The Schoolmasters' Club was organized at Brunswick in 1892, for the promotion of acquaintance and the development of a community of interest among the presidents, professors, and principals of the colleges, academies, high schools, and Normal schools of the state.



## CHAPTER C.

### THE MEDICAL HISTORY OF THE STATE OF MAINE.

BY SETH CHASE GORDON, M.D., PORTLAND.\*

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MAINE became a state of the Union in 1820, previous to which she was an outlying territory of Massachusetts. All statute laws bearing upon educational matters were, therefore, from the Assembly of the latter state, in which body the territory of Maine had a representative. Such representation, in those early days of the Republic, was made up with more care, and men were selected from the more prominent leaders in educational movements and from the higher positions in social life. Maine was settled by descendants from both the Cavalier and Roundhead elements that made up the various New England colonies. The so-called learned professions contained some of the best representatives of each.

Perhaps this was true to a greater extent in the clerical profession than in any other, but the law and medicine had many men among them who were of marked natural ability, supplemented by the best education obtainable in the country. Harvard College, as it was then called, could boast of many of its graduates that settled in Maine, in its early history, who afterwards became distinguished as clergymen, jurists and surgeons and physicians. They were the peers of the best in any section of New England. Remote from centres of learning, deprived of association with members of their own profession, individual members of each became self-reliant and developed within himself his highest power of skill. The inspiration derived from a new country, with all the hardships and privations incident thereto, with less of the higher civilization to divert the attention and distract thought, carried them to a higher plane than more favorable environments would tend to. Especially was this true of the medical profession. The various settlements throughout the state were at the most commanding points on the rivers, which divide the state in sections running nearly north and south. Commencing at the west, on the Saco, we find that Fryeburg, which was the centre of the region known as Pequawket, had, in the very early days of its history, several men eminent in the profession. Griswold, Chase, Benton, were well known throughout that Saco valley. Here the famous Scotchman, Alexander Ramsey, taught anatomy in a manner that made his pupils as practically proficient in the science as the more elaborate, theoretical teaching of the present day. The writer has listened with admiration to the enthusiastic

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descriptions which some of these disciples of the quaint Scotchman gave us in our early student days. His methods must have been simple, and the illustrations of the character that made a most lasting impression upon the hearer, for many of them in their later years retained the knowledge of anatomy which modern pupils might well envy, after so many years. The principal part of the teaching of anatomy in that section of the state came from Dr. Ramsay.

Oxford county has always had many men who enjoyed a fame beyond its limits. In the first half of the century were Grover of Bethel, Towle and Barrows of Fryeburg, and others of no less reputation. Wiley, whose life almost covers the entire century, still continues in active business. Tewksbury, of Oxford, was not only famous himself, but was the father of one of Maine's most noted surgeons, Samuel H. All of these men literally died in harness, being worn out by long drives and rides over the rugged hills (so abundant in this country), by sleepless nights and toilsome days, through heat and cold, violent storms of snow and rain, in days when roads were almost impassable in the best of weather. So far apart were these more noted men, that consultations with each other became impossible, so each became a nestor in his own community, and was the one who was called in all difficult cases by the ordinary practitioner and younger men. No opportunities were then offered to visit the large cities, where post-graduate courses could be obtained, or hospital clinics seen, but all were educated, from their daily observation and stern necessity, to rely upon their own unaided judgment. The poverty of the new country compelled them to labor for small fees, which, when paid at all, must be paid from the products of the farm.

The immense area of the state—larger than all the rest of New England—and the sparsely-settled towns necessitated long drives on the part of the more noted men, and their lives were literally worn out in service, leaving but a very scanty provision for their families. This is, undoubtedly, true of Maine to a much greater degree than in any other of these states. Many of the other states, particularly Massachusetts, Connecticut and Rhode Island, had many manufacturing towns, where money was in circulation, and the physicians received much more than in Maine, where farming was the principal industry. The only other source of income was from the pine forests, which were abundant, but in the early days of the state the profit from this was comparatively small. The seashore, of which Maine has an extended line, furnished fishing facilities, which supported a large population; but, in the early history of the state, the markets were not very extensive, so that but very little more than a bare existence came from this source. It was only in the large towns on the sea, like Portland, which had important shipping interests and a foreign commerce, where money was to be had. Even here the medical men failed to realize the fortunes of their more fortunate neighbors, the merchants. In many portions of the state doctors were farmers, and had other enterprises which were sources of income, but, ordinarily, the duties of the profession were all that they were able to attend to.

Once located in a town, the doctor of the early part of the century became a permanent fixture, like the clergyman—settled for life—hence, we find in many of the smaller towns in the state men of the highest order of talent, well educated, of broad views, fine culture, and endowed by nature with the best of all requisites for a successful physician—good, sound common sense. Some of them were not graduates of any school, but, like Dr. Ramsay's pupils, had been well grounded in the fundamental principles of the science, and were private pupils with an old practitioner, with whom they rode over the country, and received the remainder of their educa-

tion from the best of all schools—bed-side instruction. They thus became sound, practical men, of quick perception, ready diagnosis, skillful in prescribing and successful in results. Oxford county has been alluded to more on account of having been the section in which Ramsay taught the most, but other counties had their noted men as well. In York were the Sweats, Swaseys, Bacons, Kimball and Fessenden; while in Cumberland were Coffin, Merrill, the Cummings, father and son, and later, Wood, Gilman, Daveis, Tewksbury and Greene, and others in Portland; while in the country towns were Osgood, Anderson, Blake, Lincoln, father and son, and McKeen; while farther east were Putnam, Stockbridge and Nourse at Bath. At Lewiston, Garcelon, who still is in active practice at 84; Augusta had Hiram H. Hill, one of the ablest and most genial men of the state, and Briggs; in Waterville, Doctors Hall, Chase and Boutelle, Ray, Bates and Harlow of the insane asylum at Augusta; at Warren was the brilliant Ben. Buxton; at Thomaston, Walker, Rockland, Frye and Estabrook; Benson, of Newport; Monroe, of Belfast; McRuer and Rich, of Bangor. Many others should be mentioned, but these are among the best men who did valiant work for the profession in the early days of the state. All gone, with one or two exceptions.

Few states in the Union had so many men in the profession who were such bright and shining lights, who did such heroic work for such meagre compensation. They left their impress upon the state, and the many charitable and benevolent organizations now existing have been the result of their unceasing and unselfish labors. In those early days each one of these more noted men were clinical teachers to scores of students who were aspirants for medical degrees. They were "preceptors," some of whom had from five to ten students, who were "entered" in their offices and pursued the study under their instruction, although in a majority of cases the recitations were few and far between, and yet, as before stated, they derived a large amount of practical benefit from association with a man of large practice. Whatever they saw at the bed-side, especially of a rare case, was carefully studied and thoroughly discussed, and the impression made by it was lasting and valuable, much more so than the description by the best didactic lecturer, or reading from the text-book.

**MEDICAL EDUCATION.**—The medical school of Maine is almost as old as the state. The founders and patrons of Bowdoin College were nearly all graduates of Harvard College, and early saw the necessity of education in all professions and vocations.

The year before Maine became a state (in 1819), Rev. William Allen, a graduate of Harvard in 1802, was unanimously chosen president of the college. He had already acquired a wide reputation for his literary work, and by his connection with Dartmouth University (subsequent to his serving as regent at Harvard), and came to Brunswick, ripened in college experience. "The first, and in some respects the most important measure, of his administration was the establishment of the medical school of Maine. He wrote at once to Dr. Nathan Smith, then professor of theory and practice at Yale, who had founded the Dartmouth Medical School, asking him in regard to improvement of medical instruction in the new state. Dr. Smith's reply was, "I think, after what experience I have had, we could form a medical school that would, in point of real utility, equal any in the country. In a new state like Maine, where neither habit nor parties have laid ruthless hand on the public institutions, and where the minds of men are free from their poisoning influence, everything is to be hoped for. Such a place would be very inviting to me, and such a place I take Maine to be. For though they have heretofore been divided into

parties, I am disposed to think, now they have become a state and are left to themselves, party spirit will, in a great measure, subside, and they will be ambitious to promote the honor and the welfare of the state."

His hope was realized, and on the 27th of June, 1820, the legislature established the Medical School of Maine, "to be under the control of the trustees and overseers of Bowdoin College, granted fifteen hundred dollars for procuring necessary books, plates, preparation and apparatus, and ordered the annual payment of one thousand dollars for general expenses until otherwise ordered." Dr. Nathan Smith and Dr. John Doane Wells gave the first series of lectures in the spring of 1821. The first, as professor of theory and practice, and the latter as instructor, but later as professor of anatomy and surgery. Professor Cleveland gave a course in chemistry, and continued to do so for nearly forty years, much to the gratification and edification of the many students who listened to him. He was a most remarkable man in many respects—a man of the most profound learning, extensive research, methodical habits, and the most careful preparation for teaching, he deservedly merited the appellation of a genius for his "infinite capacity for taking pains." While chemistry and its methods of teaching have almost entirely changed since his day, I am sure that no student who ever sat under his teaching with a sincere desire to learn the fundamental truths of the science of chemistry, failed to do so. His simple, practical illustrations conveyed, at once, to the most obtuse intellect, the principle he wished to present. His life was spent in devotion to his love of science in general and the interests of the college he so much loved, and he died lamented by thousands who had enjoyed his unique and instructive lectures. His memory is sweet as a benediction to all who remember him.

"The first medical class numbered twenty-one, the next forty-nine, and subsequent classes to the present time have averaged nearly eighty." Massachusetts Hall was taken for the use of the school, but at the time was considered to be only temporary. The state, however, soon after withheld its aid, and for a long time no money was received for the use of the school. In the language of the librarian of Bowdoin College, in the general catalogue published in 1894, "Time moved on, but the school did not." Even thus early, to quote from the same authority, "The need of a general hospital, both for the insane and surgical cases requiring especial skill, early became manifest to the medical fraternity and to the leading physicians of the state. The desirableness of connecting this with the medical school was even more clear. The legislators, though providing an act of incorporation for such a hospital in 1826, after the persistent efforts of Professor Cleveland and Hon. Robert P. Dunlap, of the class of 1815, repeatedly refused to endow it or make any grant of land sufficient to open it and depend upon private benevolence for its maintenance." Not only this failed, but the grant was discontinued in 1834, but not until the school "possessed the finest library and apparatus of any in New England, though four others surpassed it in age." Seventy-five years of "time have since moved on," and still "the school has not."

Effort after effort has been made by the real friends of the school to have its location changed to Portland, where for more than twenty years the "desired hospital" has existed, but all efforts have been in vain. "The minds of men have not been free from the poisoning influence of habit and parties," to a degree that allowed them to take advantage of what may be considered "golden opportunities." Dr. Smith severed his connection with the school in 1825, and Dr. Wells died in 1830, both being great losses to the school, and "severe blows." Dr. Wells was not only a skillful surgeon, but a brilliant lecturer, and devoted much time and labor to make



the school the success it was even then. The chairs of anatomy and surgery were subsequently filled by one who had no superior in any school of the United States, Prof. Edmund Randolph Peaslee. He filled nearly every chair in medical teaching in the various schools with which he was at times connected, and in each was the ideal of a medical teacher. In his surgical lectures he gave the student anatomy, theory and practice, and therapeutics combined with sound surgical principles. As an operator he was dextrous, cool, and fascinating. His clinics, which in his day were large, from the fact that there were no hospitals in the state, and physicians came with patients from all over the state, were always entertaining and instructive. As a pathologist, he was far in advance of his "day and generation," and the most modern writers are only just fully adopting many of his theories. After the retirement of Prof. Peaslee the anatomy and surgery were divided and new men added. Among the men who have since occupied the chair of surgery we cannot omit the name of William Warren Greene. Fascinating in person, genial in manner, learned in his profession, scholarly in diction, original in the matter taught, he had few equals and no superiors as a teacher. Bold and brilliant as an operator, he won a name among the world's men of genius. His fame was international, and his pupils remember him with gratitude and affection. He died in the prime of life, on the return voyage from Europe, where he had been to attend the meeting of the International Medical Congress at London in 1881.

"The chair of obstetrics was established in 1825, and Dr. James McKeen, of Topsham, the youngest son of the first president of the college, filled it for fourteen years." Among his successors were Amos Nourse and Fordyce Barker. About this time the fees were increased from \$45 to \$55. These and the length of the course—three months—were practically unchanged for thirty years. In 1846 the addition of the chair of materia medica and therapeutics was made. The most distinguished man in this chair, who has passed away, was Dr. Charles A. Lee. A gentleman of the old school, he was a general favorite with all connected with the college, both faculty and pupils. His lectures were scholarly and practical.

In 1849 jurisprudence was added and the term increased in 1856 to four months. As the school increased, and its wants in proportion, it was found that Massachusetts Hall would no longer accommodate them, and another effort was made to obtain aid from the state to build especially for the medical school. In 1858 the attempt failed, but in 1859 the legislature granted one-half township of wild land on condition that "the legislature may make any necessary regulation for the admission and graduation of students." As this was construed to mean that the school should graduate students who were pupils under irregular practitioners, and without reference to the system of medicine they intended to practice, whether homœopathic or eclectic, the Maine Medical Association, a very large and powerful body of the best medical men in the state, finally "informed the trustees that if the grant was accepted on those terms it would refuse graduates of the medical school admission to its membership." The obnoxious proviso was repealed in 1861, when with the money from this source (\$5,500), added to a generous gift from Seth Adams, the trustees were able to build Adams Hall, which was occupied in 1862. A donation from Dr. Calvin Seavey of one thousand dollars enabled them to make important additions to the anatomical cabinet, which is now very complete. In 1872 the Chair of Physiology was established, to which was in 1875 added lectures on public hygiene. This, with the introduction of laboratory courses in chemistry, led to a general re-adjustment of the curriculum, and an extension of the term of twenty weeks, in 1886, and an increase in the fees to eighty-three dollars, and twenty-five dollars graduation fee. Other changes have

more recently been made, extending the length of the term to six months, and requiring three full courses before applying for graduating. The Chair of Diseases of Women has been made a separate one, and some minor changes in assistants to the professors, all of whom are good capable young men.

But with all the modifications and improvements, the fact still remains that it is only a country school with no clinical advantages, such as no school can afford to be without. The want, so long felt, even in the early days of the college, viz., a hospital that can afford clinical teaching, still exists, and nearly all the instruction received is given by didactic lectures, which, at the best, are compilations of text-books, which many students can read for themselves. An improvement would be clearly made if a more careful system of recitations was instituted, and would be more in accord with the present demands of medical teaching. The librarian very truthfully says, in concluding his report of the history of the Maine Medical School :

"The medical faculty, as well as a large majority of the practitioners of the state, have long been of the opinion that the efficiency of the school could be promoted by its removal to Portland, on account of the enlarged clinical advantages to be secured in connection with the hospitals and dispensaries of that city."

All opposition on the part of the trustees and overseers has been overcome, so that the school is now free, whenever the faculty so decide and sufficient funds are raised to move it where it can be placed upon equal terms with even other country schools in New England. Unless this can be done soon there would seem to be no reason for its continued existence, for certainly it is not supplying the demands of the student who is seeking a good medical education.

Six years ago the faculty made an appeal to the public for aid in establishing the school in Portland, where it properly belongs. In this appeal they say "the medical school must be moved to Portland, where the Maine General Hospital, with its one hundred and twenty-five beds, the Greeley Hospital, the Maine Eye and Ear Infirmary, the United States Marine Hospital and Portland Dispensary are available." They further say that "the time has arrived when this medical school will no longer be able to maintain its high rank among the medical colleges of the country without hospital association." In a second appeal made to the Alumni it is stated in substance that "the value of the diploma is decreasing each year, and will soon be deemed of little value," and six years more of "time has moved on," while the "school has not"—

PORTLAND SCHOOL FOR MEDICAL INSTRUCTION.—This school was founded by act of incorporation in 1858. "It was organized in accordance with resolutions adopted by the American Medical Association cordially approving the establishment of private schools to meet the increasing desire of medical students for a higher grade of professional education than can usually be acquired under the direction of a single instructor." "The plan of instruction includes recitations, lectures, demonstrations and other practical and didactic exercises." To this may be added an excellent opportunity for the student to avail himself of the abundant material for clinical teaching at the Maine General Hospital, the Eye and Ear Infirmary and City Hospital. Few regular medical schools have as good facilities for teaching as this, in the matter of clinical instruction, while the comparatively small number of pupils renders it available to each one in a practical manner. The accommodations in the operating-rooms, both at the Maine General Hospital and the Maine Eye and Ear Infirmary, are such that all have an opportunity to come in close contact with the clinical work, and many times to aid in the operation itself. The large amount of

special work done at the infirmary enables the student, so disposed, to become familiar with the diseases of the eye and ear, nose and throat, under the direction of the most accomplished specialists of the country. A polyclinic is in process of organization in connection with this institution and Maine General Hospital, which will make it still more desirable in teaching facilities. All these advantages, together with a well arranged and systematic course of recitations in the fundamental principles of medicine, by thoroughly competent men, places the Portland school in the front rank as an educational institution. From a very small beginning, under Drs. Foster, Robinson and Dana, with the encouragement of Drs. Gilman, Wood and Tewksbury, it has now a large and progressive faculty and a constantly-increasing list of students. It were much better for the elevation of the standard of medical education were all the schools in the land placed upon a similar basis.

**OTHER MEDICAL SCHOOLS.**—There have never been any successful attempts at establishing medical schools, other than those based upon the regular system of medicine. For a time a school, called Eclectic, existed at Lewiston, but its requirements were principally the ability of the student to pay his fees; and the results were meagre, both as to quantity and quality. After a feeble and short life it expired from its innate weakness.

The usual percentage of homœopaths are, and have been, scattered through the state, but no school has ever been started. Many of the practitioners have been men of considerable natural ability, supplemented by a good education in the principal studies required in the best colleges.

**MEDICAL SOCIETIES.**—Maine has always been celebrated in the profession for its men of note and prominence, both at home and abroad. There have been, and still continue to be, able representatives who enjoy, and justly so, a national and world-wide reputation. This is due in a great measure to the influence of its medical associations, wherever a sufficient number could be gathered together. Chief among the societies thus formed is the MAINE MEDICAL ASSOCIATION. This society was formed in 1853, April 28th, agreeably to a call "addressed to a portion of the medical profession throughout the state." Drs. James McKean, Lincoln, Hill, Palmer, Garcelon, Fuller, Briggs, Benson and Libbey were among the principal movers at the start. The objects of the association were stated to be the "promotion of medical science and the regulation of the practice of medicine and surgery in this state," the organization to be known as the Maine Medical Association, with the usual officers. The first annual meeting was held June 1st, at Winthrop Hall, Augusta, Dr. Isaac Lincoln presiding. The first president was elected at this meeting, Dr. James McKean, of Topsham. At the preliminary meeting in April, the subject of "Medical Ethics" was raised, and a committee appointed to present a code. But they not being ready at the annual meeting, it was postponed for a year, when the "Code of Ethics of the American Medical Association" was adopted, and has remained as the code since that time, although many attempts to amend it have been made from time to time.

This code has undoubtedly had a good influence upon the profession, although, like all such laws, it has been violated; but the mass of the profession throughout the state have been loyal to its principles. In the early history of the association a committee was appointed to consider the merits and demerits of homœopathy, but after several years it was deemed best to allow the matter to drop; but any member of the association who was well known as practising this or "kindred delusions," were dealt with, and promptly expelled from the association upon conviction. The subject of homœopathy has given the association much trouble at various times



in its history, especially in connection with the Maine Medical School. In 1858-59, or about that time, the Legislature of Maine granted a half township of land to the Medical School of Maine, on condition "that the Legislature may make any necessary regulations for the admission and graduation of students, and that said institution will receive and graduate all students who pass the required examination, without reference to where such students may have studied previous to asking admission to said institution, or what mode of practice such student intends to pursue after receiving his diploma." At the eighth annual meeting of the association the following was adopted: "*Resolved*,—That the members of the Maine Medical Association will not admit students for instruction who purpose to attend lectures at the Maine Medical School, until those conditions in the resolve are so changed as to leave the control of the school where it was before the resolve was passed.

The resolve was subsequently amended in accordance with the sentiments of the association, and harmony once more reigned between the two bodies. The association has always been active in the advancement of the standard of medical education, and have many times felt called upon to criticise the apparent apathy of the Faculty of the medical school in the proper efforts to keep the school in the front rank as regards the enlargement of its domain, and in increasing its chairs in compliance with the demands of medical education. At the sixth annual meeting in 1858, a committee appointed at the previous meeting submitted a report in regard to the school, recommending some important changes in the Faculty and chairs that "would raise the character of the school with the profession, and would make the course of instruction more thorough for the student."

The action of the association has had its influence upon the school from time to time, but not to the extent of causing the Faculty to take the stand that should place the school upon a basis so that "medical students from our own state" could have sufficient inducement to prevent them from "pursuing their studies and attending lectures at other New England colleges," and elsewhere. The influence of the association was good in stimulating the formation of county societies, as will be seen by the following resolution adopted at the first annual meeting: "*Resolved*, That this association recommends to the physicians of the several counties of this state to organize and act in concert with and auxiliary to this association." Such action was taken by many of the counties and very successful meetings were held and still continue to be held in most of the counties of the state.

In 1889 the association adopted unanimously the following: "*Resolved*, That the cause of medical education, at the present day, demands that medical schools shall offer facilities for clinical as well as didactic instruction. *Resolved*, That the vitality and future prosperity and usefulness of the Medical School of Maine depend upon its removal to Portland, where the clinical instruction available at its hospitals and dispensaries can be made a part of the education of its graduates." Thus has the Maine Medical Association always kept pace with the demands of the profession, and urged its teachers to higher requirements, on the part of the school of the state. The following being section one of the constitution of the association, gives, in brief, its objects and aims, and for which it has labored faithfully nearly half a century:

#### CONSTITUTION OF THE MAINE MEDICAL ASSOCIATION.

SECTION I. This Association shall be known as the Maine Medical Association, the object of which is mutual professional improvement, cultivation of friendly intercourse between its members, faithful support of regular and honorable practice, and prompt exposure, at all times, of the impositions of charlatanry and empiricism.

LEGISLATION FOR THE PROFESSION.—The association has always been zealous in behalf of such legislation as was needed to elevate the standard of medical education and properly protect the public against the swarm of quacks so abundant everywhere. At the second annual meeting in 1854, a committee consisting of Drs. Tewksbury, Hill, Garcelon, Boutelle, and Dunnells was appointed to draw up and present to the legislature a bill to facilitate dissection. After many days spent by these and other members the bill failed of passage, and so strong was the feeling against it that the matter was dropped for many years. Dr. Tewksbury labored long and hard in this cause, but did not live to realize his fond hopes in this direction. The only law on the statute books is practically of no effect, for while nominally it gives to the profession "a dead body, not claimed for burial by the family or next of kin of the deceased," yet, "ten legal voters of the town or city may request that the body be buried at public expense." Another effort is now being made for a more liberal law, so far as the obtaining of material is concerned—similar to the Pennsylvania law. Many efforts have been made by the association, for a series of years, to obtain a proper registration law, and about ten years ago such a law was passed by the legislature, but through the influence of politicians the governor was induced to remove his name from the bill, even after he had signed it. Another attempt, made two years ago, resulted in success, but the principal aid in securing the passage came from laymen who had been educated in the Maine Academy of Medicine and Science. A very efficient board of registration was appointed by the governor, and the operation of the law has been all its most ardent advocates could ask. A few cases still need discipline, and it is hoped that a proper officer to enforce the law may be provided for at the present session of the legislature. While the law is not all that could be desired, yet it was found necessary to make some concessions to quacks of all kinds who had been practising medicine for three years in the state, prior to the passage of the law. All of these and all regulars were allowed about six months, after the law went into effect, to register without an examination, but subsequently all were required to submit to such examination, and under such regulations as the board might direct. To the credit of the profession there was a very general and prompt response to this requirement, and the traveling charlatans and loud boasters have been quite effectually kept out of the state. It has ever been difficult for the profession to get legislation on these topics, owing to the influence of many noted quacks who seemed to have certain power over the politicians of the state, many of whom stood high in the councils of the nation.

MEDICAL LITERATURE.—In 1857 the association chose a committee "to take into consideration the subject of establishing a medical journal, to be under the supervision of the association." This did not succeed, owing to the lack of proper encouragement on the part of the members, and the committee at the next meeting reported that, "the plan is not feasible." In the meantime a journal had been started by some few members who, on their own account, had furnished the means and material. It was called the *Medical and Surgical Reporter*.' It was edited by Dr. Ralph W. Cummings, who was a brilliant young man in the profession, and Dr. W. R. Richardson. It did not live very long, owing to lack of sufficient support from the profession. They were not yet ready for medical journalism.

MAINE ACADEMY OF MEDICINE AND SCIENCE.—In 1894 a society under this name was organized in Portland, largely through the instrumentality of Dr. E. E. Holt, Surgeon in Chief of the Maine Eye and Ear Infirmary. It properly came under the head of an educational institution, inasmuch as it has done much to educate both the profession and the public. The principle upon which it was

founded is entirely unique in the history of medicine, viz.: to admit to its membership not only members of the medical profession, but laymen who are at all interested in science in any one of its branches. The result has been that its membership shows ministers of the gospel, lawyers, professors in various colleges in the state, prominent politicians, veterinary surgeons, scientific men, mechanics, heads of departments of several of our largest corporations, manufacturing, banking and other avocations; in short, the membership is open to any one who has interest enough to subscribe to the Constitution and By-Laws, and comply with the regulations of the society. The code of ethics of the American Medical Association (which is the code of the Maine Medical Association), teaches that it is the duty of the profession to educate (as far as possible), the public in the principles that govern the profession and to impress upon them the necessity of proper legislation on all matters relating to the public health, the prevention of disease and to public hygiene. Every one has always felt the necessity of bringing all these matters prominently before the public, but through a mistaken notion of what true ethics allows, there has been more or less delicacy in members of the profession, in reference to obtruding themselves publicly, fearing lest they might incur criticism for so doing. It has been found almost useless to attempt obtaining legislation for the profession until the laity were properly instructed as to the absolute needs, and it was only by convincing them that such legislation was not for the benefit of the profession, but for the public good, have we ever been able to secure it.

The first chairman of the State Board of Health, Dr. Gerrish, in his inaugural address, says: "Another function of very great importance is the instruction of the people in sanitary affairs. This can be accomplished in various ways; by lectures, by public meetings and hygienic conventions, by the distribution of health tracts, and by our annual reports." The only way to instruct the people is to present the truth to them in a way that shall attract and interest them, and the more closely they can be identified with the subject personally, the less mystery they find and the more abhorrent anything like charlatanism seems.

The Maine Academy of Medicine and Science came at a time to solve all these doubtful questions of ethics, and the interest shown by the laymen has had its effect, as before stated, in securing a very good registration law. They are also ready to assist in securing proper laws to furnish dissecting material for schools and private use, appropriations for hospitals and such charitable and benevolent institutions as are in the line of professional work. Much more can be done in matters pertaining to the profession by judicious laymen than by the physicians themselves, from the fact that legislators are too apt to feel that if only the physicians are asking this thing or that, there is a selfish motive at the foundation, and the cry of "class legislation" is raised at once.

The meetings of the academy are held every month, except during the summer, each one being under the charge of a special section. The various sections are: Surgery, Medicine, Gynecology and Obstetrics, Ophthalmology, Otology, Neurology, Rhinology and Laryngology, Anatomy, Physiology, etc., Public Health, etc., Genito, Urinary, etc., Pediatrics, Science, etc.

The various subjects that have been discussed relate to these and kindred sciences and have been received with much interest. This institution has, in the short time of two years, accomplished more in placing the profession in its true light before the public than all medical associations in the country. Men who may pose as learned in medical lore, but who have no claims to sustain them, shun such societies, and the laity find from the papers and discussions that the only reliable men of



the profession are those who can show a familiarity with the subjects discussed. They can readily see that to be familiar requires long, hard study. A flourishing journal, *Journal of Medicine and Science*, is now sent to all members, and many others in the profession throughout the whole state.

STATE BOARD OF HEALTH.—Maine had, for many years, been asked by the medical profession, through the legislature, to provide for a State Board of Health, such as would make operative some of its sanitary laws, which for lack of such a board were practically null and void. The medical association, as usual, had from time to time chosen its committees to make the appeal, and after many very discouraging efforts, it finally crystallized in the following bill :

#### CHAPTER 286.

##### AN ACT TO ESTABLISH A STATE BOARD OF HEALTH.

*Section 1.* A State Board of Health is hereby established, consisting of seven members, as follows : six members who shall be appointed by the Governor, with advice and consent of the council, and a secretary, as hereinafter provided. The terms of office of the six first appointed by the Governor shall be so arranged that the term of one shall expire on the thirty-first day of January of each year for six years, and each vacancy so created shall be filled for a term of six years. If any vacancy among these members shall occur otherwise, a new member shall be appointed by the Governor, with the advice and consent of the council,

At their first meeting, or as soon as a competent and suitable person can be obtained, the members appointed by the Governor shall elect a secretary, who shall, by virtue of such election, become a member of the Board, and its executive officer. The Board may elect one of their own number secretary, in which case his term of office as a member by appointment of the Governor shall expire, and the Governor, with the advice and consent of the council, shall appoint another member to complete the full number of the Board.

*Section 2.* The State Board of Health shall have the general supervision of the interests of health and life of the citizens of the state. They shall study the vital statistics of the state, and endeavor to make intelligent and profitable use of the collected records of deaths and of sickness among the people; they shall make sanitary investigations and inquiries respecting the causes of disease, and especially of communicable diseases and epidemics, the causes of mortality, and the effects of localities, employments, ingesta, habits, and circumstances on the health of the people; they shall investigate the causes of disease occurring among the stock and domestic animals of the state, and the methods of remedying the same; they shall gather such information in respect to all these matters as they may deem proper for diffusion among the people; they shall, when required or when they deem it best, advise officers of the government, or other boards within the state, in regard to the location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution or building; they shall from time to time examine and report upon works upon the subject of hygiene for the use of the schools of the state; they shall have general oversight and direction of the enforcement of the statutes respecting the preservation of health; and they shall, in the month of January, make report to the Legislature of their doings, investigations, and discoveries during the year ending on the thirty-first day of December, with such suggestions as to legislative action as they may deem necessary.

*Section 3.* The Board may meet quarterly at the state capitol, and at such other places and times as they may deem expedient. A majority shall be a quorum for the transaction of business. They shall choose annually one of their number to be their president, and may adopt rules and by-laws, subject to the provisions of this act. They shall have authority to send the secretary, or a committee of the Board, to any part of the state, when deemed necessary, to conduct an investigation within the scope of their prescribed work.

*Section 4.* The secretary shall hold his office as long as he shall faithfully discharge the duties thereof, but may be removed for just cause at a regular meeting of the Board, a majority of the members voting therefor. He shall keep his office at the state capitol, and shall perform the duties prescribed by this act, or required by the Board. He shall keep a record of the transactions

of the Board; shall have the custody of all books, papers, documents and other property belonging to the Board, which may be deposited in his office; shall, as far as practicable, communicate with other State Boards of Health, and with the local health committees within this state; shall keep and file all reports received from such committees, and all correspondence of the office appertaining to the business of the Board. He shall, as far as possible, aid in obtaining contributions to the library and museum of the Board. He shall prepare blank forms of returns, and such instructions as may be necessary, and forward them to the clerks of the several health committees throughout the state. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and, through an annual report, and otherwise, as the Board may direct, shall disseminate such information among the people.

*Section 5.* The secretary shall receive an annual salary, which shall be fixed by the State Board of Health. The Board shall quarterly certify the amount due him, and on presentation of said certificate the governor shall draw his warrant on the state treasurer for the amount. The members of the Board shall receive no compensation for their services, but their traveling and other necessary expenses, while employed on the business of the Board, shall be allowed and paid.

*Section 6.* The sum of three thousand dollars per annum, or as much thereof as may be deemed necessary by the State Board of Health, is hereby appropriated to pay the salary of the secretary, meet the contingent expenses of the office of the secretary, and the expense of the Board, which shall not exceed the sum hereby appropriated. Said expenses shall be certified and paid in the same manner as the salary of the secretary.

*Section 7.* It shall be the duty of the health committee of each town and city in the state, at least once in each year, to report to the State Board of Health its proceedings, and such other facts required, on blanks, and in accordance with instructions received from said state Board. It shall also make special reports whenever required to do so by the State Board of Health.

*Section 8.* In order to afford this Board better advantages for obtaining knowledge important to be incorporated with that collected through special investigations, and from other sources, it shall be the duty of all officers of the state, the physicians of all incorporated companies, and the president or agent of any company, chartered, organized or transacting business under the laws of this state, as far as it is practicable, to furnish to the State Board of Health any information bearing upon public health which may be requested by said Board, for the purpose of enabling it better to perform the duties of collecting and distributing useful knowledge on the subject.

*Section 9.* The secretary of the State Board of Health shall be the superintendent of vital statistics. Under the general direction of the secretary of state, he shall collect these statistics, and prepare and publish the report required by law relating to births, marriages and deaths.

*Section 10.* The secretary of state shall provide a suitable room, for the meetings of the Board, at the state capitol, and office-room for its secretary.

*Section 11.* This act shall take effect when approved.

*Approved February 27, 1885.*

The first meeting of the Board was held at August, April 13, 1885. The governor was fortunate in his appointments as to the *personel* of the Board, the majority of them being men who had labored long and faithfully to obtain the necessary legislation and, therefore gave an intelligent and zealous interest to the matter, and at once brought the law into practical operation. At a meeting of the Board held May 11th following, it made choice of Dr. A. G. Young, of Fort Fairfield, as its permanent secretary. Dr. Young has more than fulfilled all the promises given at the time of his selection. He has given his whole time and attention to the subjects brought before the board, and in fact has originated a large part of it. The entire range of domestic and public sanitation, vital statistics and everything that conduces to improvement of the public health, whether by prevention or aids to treatment, by suggestion, has received an enlightened consideration. When we shall obtain an equally enlightened public sentiment to support this Board, Maine will not be found

in any degree behind her sister states. Towns and cities have very generally appointed active, zealous, intelligent local Boards of Health, which have heartily co-operated with the State Board, and every citizen who has taken an interest in the matter feels that we are working in the right direction in sanitary reform.

**THE CATTLE COMMISSION.**—So intimately related to disease of humanity are the diseases of the lower animals, that we can not omit to mention the work that has been done by the Cattle Commission in the diagnosis and treatment, especially as connected with tuberculosis. The state has been fortunate in the choice of the Cattle Commission, having for one of its members George H. Bailey, D.V.S., a graduate of the New York Veterinary School. He has given a very intelligent interest to the subject of animal tuberculosis and has developed the same interest in many of the New England states, notably Massachusetts. Few men have been able to make such a keen diagnosis, even before the use of tuberculin became in such general use. The state has been slow to realize the full importance of the subject, and, therefore, have not appropriated money sufficient to properly carry out the necessary work, and pay for animals that should be killed. It may be said in justice that no state in the Union leads Maine in the efficiency of the Cattle Commission, and if the present quarantine against other states and countries can be successfully maintained, the disease will be eradicated.

**HOSPITALS.**—In the autumn of 1874 the Maine General Hospital was opened for the reception of patients. Prior to that there existed no hospital anywhere in the state. Even the city of Portland had nothing but the usual accommodations for the sick found in an alms-house. Other cities in the state were equally deficient in anything like hospital accommodations for either sick or wounded. The profession throughout the state had fully realized this lack, both for the actual needs of the sick and suffering as well as the necessity of the clinical advantages to students, which would be made available should a hospital be established at some prominent city. To build and properly equip a general hospital such as the times demanded seemed a vast undertaking, and few men had the boldness to advise making the attempt, while the state was largely in debt and individuals were few who could afford, or were willing, to aid in establishing a benevolent institution of the magnitude demanded. The first definite impetus was given by Dr. S. H. Tewksbury in his address as president of the Maine Medical Association in 1867.

"The profession are all well aware that a General Hospital is needed in this state, and that there are hundreds within its borders that go out of the state for surgical operations and hospital relief that have the means to make this expenditure, while there are very many more that are passing weary days and nights of agony, debarred by poverty from receiving medical and surgical aid, and for whom no shelter is provided. It not only claims our utmost efforts, but it claims encouragement from all wise and good men, on grounds of positive advantage and necessity.

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"A hospital intended for all classes of disease must not be regarded as only a refuge for the sick and afflicted, but a store-house for the accumulation of knowledge, and that kind of knowledge on which we are all dependent, and which is so indispensable to make our sympathies available for the relief of human suffering. Let this association then at this meeting foreshadow the policy that is to guide our future action, "and under the direction of a special committee to plead the cause before the legislature and invoke their aid."

Such a committee, with Dr. John T. Gilman as chairman, made most earnest appeals to the legislature, which granted an appropriation sufficient to warrant forming an organization to establish a hospital at Portland.

The building of a modern hospital, even such as the times demanded in 1870,



was no small matter in any state, but in Maine it was a much more difficult one than in older and richer states. This one was, indeed, a "labor of love" on the part of the profession, and it required much of such labor to interest the public in the undertaking—comparatively few of the richest men could be brought to see the necessity, and money came from them slowly at first, but, after much importunity, one by one they gave aid and the foundation was laid, and the Maine General Hospital, as an institution, was fairly before the public as an accomplished fact. The state, through hard work in the legislature, granted very substantial assistance, which it has continued ever since to a greater or less degree. Fairs, concerts and entertainments of all kinds were held for its benefit, and thus the public became interested; one fair, held in Portland, netted about forty thousand dollars. Dr. John T. Gilman was made president of the board of directors, and, under his wise and persistent efforts, success became assured. In October, 1874, the hospital was opened for the reception of patients. A central building and one pavilion constituted the entire plant. The plan contemplated at least two pavilions, one on each side of the central building, with others to be added in the rear, as funds could be raised and the wants of the state demanded. Since then another pavilion, with a house for the superintendant and a large building containing an operating amphitheatre, and dormitories for nurses, have been built. Much of this was done through the generosity of the individual members of the board of directors. Few institutions have been blessed with a board of men who were more heartily in sympathy with the cause for which they were appointed than were these men. They gave freely of their time and money, and were ever ready to co-operate with the staff in keeping the hospital fully up to the exacting demands of modern medicine and surgery. The staff has always been a corps of the best men of the profession, selected with much care. As an educational institution, it has been invaluable to the profession, especially in connection with the school of instruction in Portland. The clinics have been large, and have always been entirely open to all members of the profession from any part of the country, as well as to medical students. It is now well equipped with all the modern improvements, such as electric lighting, a complete sterilizing apparatus, and the nucleus of a laboratory for biological and pathological work. While, like all hospitals in the world, it lacks sufficient funds to do the best work, yet there is a very good fund which is constantly increasing through bequests of the rich men of the state. Hon. Abner Coburn, one of Maine's governors, gave one hundred thousand dollars. The site of the hospital is one of the most commanding in the city, overlooking the country for miles around, thus affording beauty of scenery as well as allowing the best of drainage, and an abundance of sunshine and fresh air. Its present capacity is one hundred and twenty-five beds. Many free beds have been established by private individuals and corporations, and so far as possible it has allowed the utmost freedom in caring for the really poor and afflicted. The entire service of both the surgical as well as medical staff has been gratuitous—any person, rich or poor, can avail themselves of this provision, and have the most important operations performed, or the most skillful medical treatment free of charge, except the hospital expenses. While this seems unfair to the profession throughout the state, it has aided in the support of the hospital to a great degree. All patients, however, receiving such free treatment must submit to become clinical cases for the benefit of students and all practitioners who may desire to attend at the operating theatre. An excellent training school for nurses has been in operation for years.

OTHER GENERAL HOSPITALS.—Maine has by state aid assisted in establishing two other hospitals of a general character—one at Lewiston and one at Bangor.

These are at present on a much smaller scale than the hospital at Portland, but each is doing good work in its way. Whatever may be said of the policy of state aid to more than one general hospital, it is to be remembered that the great area of the state makes it inconvenient to transport patients suffering from accidents, the long distances necessary to reach Portland. The sentiment of the profession at large seems to be in favor of having one general hospital, and have it well endowed. The "plant" for a modern hospital is expensive when the question of heating, lighting, water, and all the absolutely necessary modern equipment is considered. The experience of the world shows that most hospitals are sadly deficient in funds sufficient to enable them to properly provide for the sick and suffering. Maine is no exception to the rule.

MAINE EYE AND EAR INFIRMARY.—April 22, 1886, this institution was opened in Portland in a very humble home and in a small way on Federal street (No. 110). Two small rooms were fitted up and served for some months as a nucleus for what has since become one of the most important benevolent institutions in Maine. Dr. Erastus E. Holt, a specialist in diseases of the eye and ear, had for a long time conceived the plan for founding such a place for treatment of a class of cases that had hitherto not been treated at all, or were obliged to go out of the state to get the skill necessary for the successful cure. The fact that of the eight hundred blind and nearly five hundred deaf (by the census of 1880), it was admitted by good authority, more than one-half (in the young) might have been prevented, seemed sufficient reason for such a hospital, especially for the poor. While the rich could go out of the state, yet there was needed a sentiment, in this state, that should awaken the public to the needs of the poorer class.

The attendance at once became large, so that the trustees bought the entire property within a few months, and younger members of the profession were invited to join Dr. Holt in the work. Thus early in its history it became a clinical school, which has since grown to be on a large scale, and has been the source from which many young men have developed as eminent oculists and aurists. "It was founded to maintain a daily clinic for the gratuitous treatment of diseases of the eye and ear of the poor."

So great did this demand become that the institution soon outgrew its first building and efforts were made to build, on a much larger scale, such a home as would meet the necessities and furnish all the room and modern requirements for a first-class infirmary. By private donations, some help from the state, and fairs, a sufficient sum was realized as warranted the trustees in commencing the work, and on Friday, December 23, 1892, the new building was formally opened and dedicated. Ground was broken in May, 1891, so that within about one year and a half this superb structure was ready for occupation. Since its opening the rooms not needed for eye and ear patients are occupied by any regular physician or surgeon for the treatment of private patients, afflicted with any disease not contagious. This has been a source of income to the infirmary, and has given an opportunity for physicians, not directly connected with any hospital, to have a place for private work. Other clinics have also been established, so that all branches of medicine have here an out-patient clinic, and room for such as require hospital treatment.

It may safely be said that no country in the world has a more commodious or better arranged building for eye and ear work than this. Its heating (hot water), its lighting (electricity), its ventilation, its operating room, its perfect sterilizing apparatus, its laboratory, complete in all its arrangements for biological, pathological and X-ray work, challenge comparison with any one now in existence. A good

training school for nurses has been in operation since the opening of the infirmary, and many of the men connected with the institution give lectures to the pupils.

The meetings of the Academy of Medicine and Science are held here, and a very good library of medical and scientific books occupies one of its best rooms. All the medical journals in the country are to be found here, promptly on publication, in exchange for the *Journal of Medicine and Science*, published monthly in connection with and containing the proceedings of the academy, as well as much other medical matter. It is already proposed to found a post-graduate school in connection with the infirmary and the Maine General Hospital, so that the whole system will furnish abundant material, readily available, for all practitioners who choose to attend. During the past year there have been treated nearly two thousand patients at the various clinics and in the infirmary, and more than twelve thousand since its opening.

While the profession generally of Portland and the state at large have shown much interest in the infirmary, and have contributed time, talent and money in aid of its building and work, the larger part of the burden of carrying it to a successful issue has devolved on Dr. Holt. It is a noble monument to him; at the same time it reflects great credit upon the state and the city where it is located. It has already received valuable donations, the most important being by the will of Ira P. Farrington, its second president. By Mr. Farrington's will it is probable that two or three hundred thousand dollars will be realized, and others are known to be favorably inclined to add to this princely bequest. This will enable the trustees to establish practically a free hospital for the poor.

In the many benevolent organizations scattered throughout the state the hand of the medical profession can be seen very prominently. They have been constant in season and out of season in giving an impetus to nearly all of them, and but for the profession few would have been successful. The insane asylum at Augusta, now more than sixty years old, has always been under the charge of men who have stood high in the profession. Dr. Isaac Ray was for many years superintendent, and always ranked among the most eminent alienists in this or any country. Like Dr. Bell, of the McLean in Massachusetts, he was a leader and teacher. They had few equals and no superiors. Dr. Harlow was a very worthy successor, and served faithfully many years. The institution is now very much overcrowded, but a new one is being built at Bangor. Insanity seems rather on the increase, and the state is liberal in providing for this unfortunate class of our citizens. The present hospital is on the old pavilion plan, and so far seems well adapted to our rigorous climate. The cottage plan does not commend itself to the good judgment of those interested in the new building. The medical profession of the state have not been so much consulted in this class of hospitals as in the erection of general hospitals, inasmuch as legislators are in a great measure the men directly interested in appropriating money and expending it under the supervision of committees appointed by themselves.

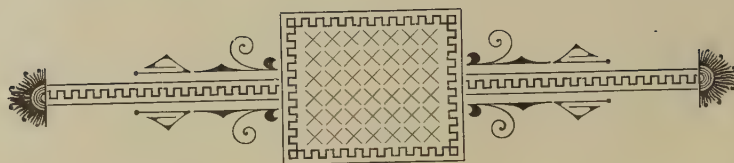
During the Civil War Maine had an able corps of medical men in the field, both as regimental surgeons and surgeons of United States volunteers, appointed by the president. To the credit of the state and the profession, it may be said that they were efficient, energetic and humane, self-sacrificing for the good of the troops placed under their care. The exceptions to this rule were very rare.

In a general outline history of medicine in Maine (such as this is intended to be), many of the details of societies and benevolent organizations must necessarily be omitted, and personalities avoided. Much credit is due members of the profession whom we cannot possibly mention by name. Suffice it to say that there has been throughout the state a laudable effort on the part of the individual members to sup-



port the Maine General, and the Eye and Ear Infirmary, notwithstanding the location of them. They are easily accessible and accommodate all parts of the state, better perhaps, than any other section.

It may be said in conclusion that the profession generally, from the earliest days of the state, have ever been loyal to the principles upon which the code of ethics is founded. Local jealousies have necessarily existed, but in times of the greatest needs there has ever been a disposition to ignore all differences of opinion and unite for the common good.



## CHAPTER CI.

### THE DISCOUNT BANKS OF MAINE.

BY EDWARD A. NOYES.

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**T**HE first bank organized in the district of Maine was organized at Portland, and a charter granted by the General Court of Massachusetts, June 15, 1799. The capital of this bank was \$100,000. It prospered for a time, but met with serious financial disasters in 1808 and closed up with a loss of twenty-five per cent. of the capital.

On June 23, 1802, the Maine Bank of Portland was chartered, with a capital paid in, of \$300,000, which was afterwards reduced to \$200,000. This bank was closed in 1813, when the charter expired. At the same session of 1802, the Lincoln & Kennebec Bank of Wiscasset was chartered with a capital of \$200,000. At the end of ten years its affairs were wound up, probably by reason of the expiration of its charter. The Saco Bank, at Pepperellboro, was chartered March 8, 1803.

Before proceeding further, let us consider for a moment the situation of the inhabitants of the district of Maine at this time. York had at that time a larger population than any town in the state except Portland. Eastport and Wiscasset were of more commercial importance than any other two towns in the state except Portland. Wealth consisted for the most part of improved or unimproved real estate, and vessels, and cheap wooden dwellings and stores in the small hamlets scattered along the coast. The business of the state was largely building vessels for the carrying trade with the West Indies and other parts of the United States, the curing and sale of fish, the manufacture of lumber and the making of both box and hogshead shoos for bringing molasses and sugar from the West India Islands to the United States. Of course the greater part of the cargoes thus brought back in exchange were sold in Boston and other ports along the shore. In order to raise capital for banks in the eastern portion of the state, it became necessary for the individual stockholders to give their notes, secured by land or by a pledge of the bank-stock itself.

The principal circulating medium was the Spanish silver dollar, and when the banks were organized, the reserve consisted of Spanish and Mexican dollars as a consequence of maritime exchange with Spain and its colonies. Of course under these conditions there was a great scarcity of bills. The purchasing power of a dollar was then so great that bills of large denominations were little used, and the cry was always for small bills. As early as 1805 the General Court of Massachusetts authorized the issue of one, two and three dollar bills, and compelled the banks to use Perkins' ingenious stereotyped plates.

On the 23rd of June, 1812, twenty banks received charters from the General Court of Massachusetts, six of them situated in Maine; the Bath Bank of Bath, the

Cumberland Bank of Portland, the Hallowell & Augusta Bank, the Wiscasset Bank, the Kennebec Bank and the Saco Bank, and an annual tax of one per cent. on the capital stock fixed by the State.

In 1813, six new banks of \$100,000 each were established, the Lincoln, Kennebank, Bangor, Augusta, Gardiner and Waterville, all of whose charters expired on the 1st of October, 1831.

Although the returns were made by the other banks to the General Court, the banks in the district of Maine did not seem to be of enough consequence to interest the Solons of the commonwealth of Massachusetts, and I find the first printed return of Maine banks is dated Dec. 17, 1814. There were at that time twelve banks returned, having a capital stock of \$1,846,000, and of that amount \$823,625 was secured by real estate and bank stock, showing that most of the profits of the banks was expected to arise from the bills in circulation, which amounted at that time to \$581,466. A curious feature of this return is the statement of the bills redeemed within six months, which amount appears to have been \$730,561.

Prior to the establishment in 1819 of the Suffolk Bank as the redemption agency for the banks of New England, it was found essential to have a factor or an agent, perhaps even two or three, who was or were resident in Boston, oftentimes holding an official position in connection with the bank as president or director. These agents collected the bills of exchange for commodities carried to foreign ports, the amounts received from the cargoes sold in home ports, and acted generally as collecting and disbursing agents for the banks in the remote district of Maine. They also acted as disbursers of a part of the bills issued by these banks, and their ingenuity was taxed to the utmost to find ways to get them into the remote interior places of the New England states. A drover, who went back into the remote districts of New England to collect cattle to bring into Boston to be slaughtered, was, for the first sixty years of the banking history of this state, able always to secure whatever money he needed, if enjoying a good reputation, because he was able to place in circulation in the remote rural districts in the northern parts of the states of Maine, New Hampshire and Vermont, a larger number of bills than any other agent. These bills came into Boston slowly, but it was necessary to redeem them. Of course, banks situated in the district of Maine had one great advantage over banks in Massachusetts, it would take a long time to get at the banks to demand specie in place of the bills. In order to overcome this difficulty, the bills were collected at certain periods from all of the Boston banks, and a man, accompanied by two dogs, and with kegs prepared to receive the silver that he would receive from the banks in place of the bills, drove in a stout wagon, drawn by four horses, from Boston along the shore, stopping at all places where a bank was situated, and exchanging his bills for the specie; and, as I have heard from reliable witnesses, when stopping at the principal towns, leaving his kegs loaded with specie in the inn yard guarded by his dogs, which specie was never molested. We have no account of holds-up, nor of any mishap to the specie-collector, a striking instance of the simplicity of the inhabitants, and their honesty, in the early part of this century. Of course, the water-way was always open, and a packet plied between all of the ports of the district of Maine and Boston, but the length of the passage was so uncertain, and there were so many moving accidents, that I think the stage-coach was generally preferred, except in midsummer, to the sailing-packet.

So great was the cost and loss of interest in the collection of these bank bills from the remote districts, that in 1809 the leading merchants of Boston signed a paper agreeing to take no country bank bills after that date. This circular set forth



in considerable detail, the wrongs which they suffered in consequence of receiving these bills, and their determination to take them no longer. (Mass. Hist. Soc. V. 284.)

The first report to the legislature of the new state of Maine upon banks, in 1820, was the result of an examination of the Hallowell & Augusta Bank. The report indicates a small deficiency of \$5,141.75. Comment is made upon the charges of the agent of the bank in Boston of \$7,200, but the committee particularly find "the amount of loans made to stockholders on their individual notes, secured by the pledge of their stock in the bank, to be \$121,373; real estate and debts secured by real estate, to the nominal amount of \$48,110.38; from which it appears the whole capital stock of the bank, and the additional sum of \$19,483.38, were invested in real estate and in permanent loans." "But this is not all. Your committee found that the institution held notes and other debts secured by names, to the amount of \$84,388.23, a large part of which had existed for a long time, had been subjected to no checks, and was thought by your committee to have been of no more avail than its loans on stocks."

The semi-annual dividends appear to have been uniformly declared with a balance against the bank in profit and loss account, and the reason assigned for making the dividends under such circumstances was that the institution had no other means of collecting the interest on stock notes.

1820 to 1835 were years of great prosperity; capital accumulated rapidly; the forests were being sawed up into lumber and converted into money, and the fish taken from the sea were likewise converted into money, so that the number of banks increased quite rapidly.

We have a glimpse of them in June, 1824, showing that the Bangor Bank had 65 per cent. of its capital loaned on pledge of stock therein; the Bath Bank, 80 per cent.; the Hallowell and Augusta Bank, 43 per cent.; the Kennebec Bank, 76 per cent.; the Passamaquoddy Bank, 67 per cent.; and the Waterville Bank, 82 per cent.

In 1827 the Legislature found it advisable to appoint a committee to secure evidence of the number of fictitious persons who appeared on the books as stockholders with notes as collateral. In 1831 a general banking law was passed.

In 1834 there were thirty banks doing business in the state, and representing a capital of \$2,931,000, and the amount of capital stock represented by notes secured by bonds and mortgages appears to have fallen to \$119,550.94, certainly an evidence of great improvement in the financial standing of the community and the accumulation of capital.

In the winter of 1835 the long-standing discontent which had been growing for fifteen years against the redemption of bills by the Suffolk Bank system in Boston took the form of a remonstrance to the Legislature. It is printed in the state documents, and is a marvellous sample of the use of capital letters and italics, and reads like the resolutions of a silver convention. Here is a specimen of its eloquence:

"After the legislature has granted a charter to a bank, before such corporation dare to go into operation or issue a single dollar (bill), it must send a deputation to Boston, and laying down the BAGS of TRIBUTE MONEY AT THE FEET OF THE PRESIDENT OF THE SUFFOLK BANK, receive from HIM PERMISSION and the TERMS upon which it may operate." I take it in the light of history, without having any direct evidence bearing upon the subject from persons who are conversant with the condition of things at the time, that a boom was on, that the great "land speculation" which terminated so disastrously in 1836, was in full maturity, and that already the necessity for a greater amount of circulating medium for the man who had nothing to give for that circulating medium, was felt in the community. The man who

rarely had a bill, and never kept it over night, because he owed it, felt the need of an abundant supply of bank bills, which, in some way or other, he was to get into his pocket, and the agitation for three or four legislatures succeeding this was all in the direction of fault-finding with the results of having a limited capital in the hands of the average individual. Banks were expected to issue bills but not to redeem them. To such an extent did this discontent pervade the community that the commissioners appointed by the governor reported, on the 25th of January, 1837, "with pleasure that they found fourteen, out of the fifty-five banks in the state, had ceased to make permanent deposit in Boston." And they add, "the Boston Alliance, as was to be expected, have constantly sent home their bills for specie, but all calls have thus far, and will, we doubt not, continue to be promptly met. Former attempts to resist this alliance, formed for the purpose of controlling the pecuniary resources of New England, have proved unsuccessful; nor is it probable that two or three banks can now contend against it with any prospect of success. Whether the present system of 'paying tribute to Boston' is susceptible of improvement, or how far it is consistent with the honesty and honor of the state; or whether the evils which result from its operation are of sufficient importance to call for legislative action are questions which we shall not undertake to decide."

The legislature, in March of this same year, received two reports, a majority of the committee recommending the passage of an act which should absolutely prohibit the deposit and maintenance of a reserve fund to redeem the bills in Boston, but we find that three of the committee made a minority report which reads as well as an oration on finance from any of the authorities on banking of the present day, and the legislature very wisely agreed with them; at any rate, no action was taken.

In 1835, the legislature passed an act, prohibiting the circulation of any bills smaller than five dollars; and in 1836, another bill provides for no bill smaller than five dollars or between five and ten dollars, or between ten and twenty dollars. One of the curious features of this legislature of 1836 was a report of the special committee, relating to the currency, which favors founding a state bank, capitalized by the issue of \$8,000,000 of four per cent. bonds, and the proceeds invested in specie as a basis for the issue of \$16,000,000 in bills.

In May, 1837, the banks of Maine suspended specie payments. There were then fifty-five banks in Maine, with a total capital of \$5,458,750. A glance at the tables accompanying this will show the general details of the resources and liabilities.

The bank commissioners, in the report, dated February 5, 1838, recommend the reissue of small bills, and set forth in considerable detail the great mistake made by the legislature in prohibiting the issue of one, two and three-dollar bills, indicating in the report that the state was literally flooded with small bills of banks in other states, a very natural sequence of such foolish legislation.

In 1841, the banking law was carefully revised by the legislature, and many important safe-guards added. In the same year there were but forty-two banks reported, with a capital of \$3,514,000.

The ten banks following reduced their capital stock \$547,500 as follows:

	CAPITAL.	REDUCED TO.
Bank of Portland. . . . .	\$225,000.	\$100,000.
Bank of Cumberland . . . . .	200,000.	100,000.
Calais. . . . .	100,000.	50,000.
Central . . . . .	85,000.	50,000.
Frontier. . . . .	100,000.	75,000.
Granite . . . . .	100,000.	75,000.

	CAPITAL.	REDUCED TO
Maine. . . . .	230,000.	155,000.
Manufacturers' and Traders' . . . . .	112,500.	75,000.
Mercantile. . . . .	100,000.	50,000.
York. . . . .	100,000.	75,000.

Three charters of banks, with a capital stock of \$210,000, were revoked. The charters of two banks were surrendered, with a capital of \$50,000, making a total reduction in the capital stock of the banks of \$857,500. This is the first official recognition of the terrible losses sustained by the banks in the great crisis of 1837.

The commissioners note that the banks hold of their own stock turned in to them, \$138,600, and that the total diminution of banking capital since 1838 has been \$1,904,750. They further note that twenty-three per cent. of the whole banking capital of the state stands in the name of females, trusts, and literary and charitable institutions; that the average circulation for the last six months was \$1,414,564; that the average monthly redemption was \$559,433, "showing that the whole circulation of the banks passes through the Suffolk Bank nearly five times a year. . . . This amount is paid without a draft upon specie, but by the course of trade, which places ample funds in Boston for the purpose, and still has left a balance there in our favor of half a million of dollars." They note with pleasure that the banks doing business are in sound condition, and that when business revives they will once more make good earnings for their stockholders.

In the report for 1842 we find it noted, with some degree of pride, that in spite of the loss to stockholders of nearly \$2,000,000, the innocent bill-holders have not lost more than \$175,000. Truly, a very commendable showing when one considers how these banks were originally capitalized.

In 1843 the number of banks was thirty-five, and the capital \$3,009,000. Nothing of interest occurred for many years after the liquidation growing out of the panic of 1837. The statement given in 1842 seems to have been a fair statement of the losses incurred by the banks as a result of that great panic.

In January, 1848, the commissioners report their approval of the "Suffolk system," and say that only two banks in the state have not entered into the arrangement—the Calais and Mercantile Banks. They say: "We do not censure their course, but their bills are from three to six per cent. discount. The Frontier Bank, the nearest neighbor of the Calais Bank, and a well-managed institution, can maintain but a very limited circulation; its bills being in good credit at Boston, are sought for foreign payments, while the depreciated paper of the Calais Bank supplies almost the entire home circulation for the county of Washington."

In 1850 there were thirty-two banks, with a capital of \$3,248,000. In 1856 the highest number of state banks was reached, being seventy-seven in number, with a capital of \$8,107,485.

In September, 1857, in common with other banks of the United States, specie payments were suspended in Maine. In the report of that year the bank commissioners note that all the banks sustained themselves in good credit, except three banks. They say: "The 'Suffolk system,' though not recognized in our banking law, has proved to be a great safeguard to the public; whatever objections may exist to the system in theory, its practical operation is to keep the circulation of our banks within the bounds of safety."

In 1860 the number of banks had decreased to seventy, with a capital of \$7,833,378. In 1863, when the National Banking Law was passed, there were in the state



sixty-nine banks, with a capital of \$8,008,000. The circulation of bills had reached the unprecedented amount of \$6,019,156, without any very great gain in the specie reserve, and the loan is larger than at any other point of the history of the banks, namely, \$14,983,609. This grew out of the necessities of the business community during the war, and the large amount of government bonds which necessarily appeared among the loans. Nineteen banks gave notice during 1864 of their intention to surrender their charters, and in 1865 sixty-eight banks are reported as either closing under the act of 1863 or converted under the act of 1865, so that the banks of discount organized under the laws of Maine practically ceased to exist in 1865.

It may be well in this connection to review briefly the main features of the laws under which the banks of discount were organized and operated. Sections from 1 to 11 provide for the organization, the number of directors to be chosen by stockholders, and the duties of cashier and clerk. The annual meeting was required to be held on one of the first fifteen days of October, annually. The voting rights of shareholders are limited as follows: One share was entitled to one vote, and for every two additional shares one vote, but no one shall have more than twenty votes in his own right and by proxy.

Section 12 requires "that the capital stock of every new bank shall be paid in, one-half in six and the other in twelve months from the date of its charter, in gold and silver money of the legal currency of the United States, and no bank shall go into operation until one-half of such stock has been paid in and such money deposited in its vaults and examined by the Bank Commissioners."

Section 13 limits a shareholder to one-fifth of the capital stock of any bank.

Section 14 defines how loans shall be made: "No bank can make a loan on pledge of its own stock." It requires that notes, bills of exchange, etc., shall have two responsible names as principals, sureties or endorsers.

Section 19 limits the amount of debts which a bank may owe at any time to twice the amount of its capital stock.

Section 21 says, "No bank shall issue and put in circulation as money bills to the amount of more than fifty per cent. of its capital stock actually paid in, not owned by the bank."

Section 22 requires every bank to keep in its own vaults five per cent. of its capital in specie.

Section 41 makes directors liable for excess of debts in their private capacity.

These are all the essential features of the banking law.

The next local banking feature was the organization of the Portland Trust Company, incorporated under an Act of the Legislature approved February 9, 1883, and the Somerset Loan and Building Association in the same year. These were the pioneers of two systems of banking which have become important features in the state. The total resources of the loan and building associations of Maine as reported November 7, 1896, amounted to \$2,691,446. There were eighteen trust companies reported in 1896, with a capital stock of \$1,511,400, a surplus of \$221,700, and undivided profits of \$165,741. Their total resources of all kinds amounted to \$7,048,760.

But the aggregation of capital in the national banks, trust companies, and loan and building associations, does not alone indicate the growth of business in the state. The most remarkable change is indicated by the growth of the monthly exchanges in the clearing house of Portland. In 1885 the yearly exchanges amounted to \$45,896,000; in 1890, to \$60,469,000; in 1895, to \$65,003,000; in 1896, to \$66,026,000.

While the increase of exchanges of nearly fifteen millions of dollars, from 1885 to 1890, may be accounted for in part by the increase in the volume of business, yet it seems probable that as the growth in volume of yearly exchanges in same clearing-house, from 1890 to 1896, was one million of dollars annually, that a greater part of the increase of exchanges, from 1885 to 1890, was due to the greater use of checks by the banking community.

From 1863 to 1868 the writer was teller and book-keeper in a national bank in Portland, and it was somewhat difficult for three persons to find enough to do in the banking hours from nine to two. The cashier went home to dinner at twelve o'clock, and was gone an hour or more, and the boys were left to while away the time and wait on such customers as appeared; and it was only on the last and first days of the month that the clerks did not lock the safe door promptly on the stroke of two, and march out of the other door within a second or two of that hour. The bank-clerk of to-day, in a bank of the same capital, rarely gets through with his labors before four or five o'clock; and this accumulation of labor grows largely out of the enormous increase in the number of checks in circulation, increasing the labor of the cashier and clerks, and decreasing, almost in the same ratio, the profits of all banking associations.

I will close this sketch with a table showing the resources and liabilities of the discount banks for seventy-six years. What better exhibit can be made by any community than this? If to this accumulation of capital you add the total resources of savings-bank, trust-companies and loan and building associations, you have a total of resources of \$108,651,225, held by the banking associations of Maine in 1896, as against \$2,198,247 in 1820.

TABLE SHOWING RESOURCES OF DISCOUNT BANKS OF MAINE.

YEARS.	NUMBER OF BANKS.	CAPITAL.	CIRCULATION.	DEPOSITS.	SPECIE.	LOANS.
1820	15	\$1,654,900	\$1,380,572		\$543,347	\$2,478,947
1830	18	2,205,000	687,189		208,000	2,888,000
1835	35	3,735,000	2,380,114	1,402,145	186,050	6,357,010
1838	55	5,458,750	1,696,023	1,484,338	246,720	7,552,938
1840	50	4,671,500	1,224,658	833,854	257,610	5,901,611
1842	39	3,414,000	1,585,820	633,752	177,823	4,319,394
1845	35	3,009,000	2,109,427	1,455,407	196,803	4,800,110
1850	32	3,248,000	2,645,072	1,260,405	498,360	5,713,763
1856	77	8,107,485	4,954,880	2,248,626	660,906	13,450,675
1857	72	7,894,200	3,382,420	1,754,955	580,752	11,802,082
1860	70	7,833,378	4,769,746	3,226,926	683,841	13,576,457
1863	69	8,008,000	6,019,156	6,421,005	678,043	14,983,609
1870	61	9,125,000	7,406,960	5,083,861	236,423	10,841,823
1880	69	10,435,000	8,260,570	7,415,940	396,554	14,914,532
1890	78	11,010,000	3,622,952	13,526,005	799,856	22,989,888
1896	83	11,156,000	5,082,555	15,800,324	1,142,151	22,619,670




## CHAPTER CII.

### THE SAVINGS BANKS OF MAINE.

BY EDWARD A. NOYES.\*

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AVINGS banks are defined in "Johnson's Encyclopædia" as "institutions for receiving and securely investing the moderate savings of industry under provisions for their repayment on demand at short notice." This definition is not close enough to really bring out the purely mutual character of the New England and New York Savings Institution which apparently was founded under the paternal government idea of the old New England hierarchy, which supposed that the elders of the town should always have in mind the welfare of the weaker and poorer dwellers in their midst. The best definition I have seen is that given by one of the older institutions in a preamble to their constitution: "This institution is founded for the security and improvement of the savings of persons in humble life." A definition like this points to an institution managed by benevolent people of means and character, who without receiving any benefit themselves shall divide all the earnings of the institution among the depositors.

The first savings bank organized in Maine was chartered by the General Court of Massachusetts in 1819, just prior to the organization of the district of Maine into a separate state.

The purpose was the same which actuated the leading citizens of Boston, as given above, to apply for the charter for the Provident Institution for Savings in Boston and vicinity. Like the Boston Institution the applicants for the charter for the "Institution for Savings, for the Town of Portland and its vicinity," were eminent men, whose names have not passed into oblivion with the lapse of time. They were Matthew Cobb, Asa Clap, Prentiss Mellen, Stephen Longfellow, Ezekiel Whitman, Charles S. Davis, Robert Boyd, Isaac Ilsley, Joshua Richardson, Levi Cutter, James Neal, William Swan, Samuel Trask, Horatio Southgate, Richard Cobb, Henry Smith, John Coe, Joseph Barbour, Hezekiah Winslow, Charles Fox, Samuel F. Hussey, James Deering, Mark Harris, Woodbury Storer, Jr., and William Willis. Such names as these should and doubtless did inspire confidence in the undertaking.

Full and satisfactory statistics of this bank cannot be found because all the books and papers were destroyed in the great fire of 1866, and the men who were engaged in the management are dead. I find in the *American Almanac* for 1835 this account of the institution's affairs, made July, 1834 :

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## "PORTLAND SAVINGS INSTITUTION.

"According to the 15th Annual Report of this Institution, in July, 1834, there had been, since its organization, in 1819, deposited in it \$154,193.12 by 1585 persons. The whole expense of the institution to that time, was \$900.20 :—amount of property belonging to it, \$92,956.52 :—due to 897 depositors, in sums of from 5 to 826 dollars, the sum of \$85,787.51. Each depositor whose money had been deposited for the term of one year, or longer, had received an annual interest on the same of 6 and 5½ per cent."

In the terrible reverses of 1837–8 it failed. How severe the run on the bank was, or how long it attempted to pay depositors before it was placed in the hands of a receiver, I have been unable to learn. Mr. Charles E. Barrett was appointed receiver, and I have been informed that a depositor who had had a deposit of twenty-five dollars in the bank from the beginning, received in lieu of principal, nineteen dollars in full settlement.

I can find no list of the investments of the bank, but have been informed that the failure of the bank was due to the great proportion of investments in bank stock and mortgages of real estate. As the depreciation in both classes of securities was very great, and they were absolutely unsalable, the failure was inevitable.

The next charter granted was that of the Saco and Biddeford Savings Institution, in 1827.

Following this, in 1834 the Gardiner Savings Institution was chartered. Both these institutions passed through the troubles of 1837 successfully, and are to-day enjoying the confidence of the public to a marked degree.

In 1840, the deposits of the Saco and Biddeford Bank amounted to \$26,900.51 ; that of the Gardiner to \$13,468.

The fourth bank organized was the Augusta Savings Bank in 1848. The charters of all these provided for incorporators, to whom was given the power of adding to their number, and upon whom all the powers and duties prescribed in the act of incorporation were conferred. A singular provision in the Gardiner charter required five per cent. to be paid ; but this was subsequently repealed.

In 1849 the Biddeford Bank, and in 1850 the South Berwick Bank, both banks of discount, were authorized to receive deposits as savings banks, and in 1852 the Lewiston Falls Bank and Savings Institution was chartered, with a capital of \$50,000 and the usual banking powers, with the right to receive deposits as a savings bank. But the experiment was not a success, and in a few years they were succeeded by genuine savings banks.

In 1852 three savings banks were chartered, the Bangor Savings Bank, the Portland Savings Bank and Bath Savings Institution. At that time the three savings banks in Maine had an aggregate of \$235,726.11 deposits, divided as follows, viz.:

Saco and Biddeford Savings Institution . . .	\$128,396 85
Gardiner Savings Institution. . . . .	88,847 46
Augusta Savings Bank . . . . .	18,481 80

In 1854 the Hallowell Savings Institution was incorporated. A charter was also granted in 1854 to the Randall Savings and Benevolent Association, which had the unique feature that all profits over six per cent. should be devoted to some benevolent purpose. Overpowered by its goodness, it ended its feeble existence in 1861.

In 1855 savings banks were first made subject to examination by the State Bank Commissioners, whose official existence began with discount banks in 1840. From

this time we have statistical information about the banks in the annual returns made to the legislature.

Under date of December 30, 1856, the Bank Commissioners report that the total number of depositors was 4947, and of deposits \$919,571.85, average to each depositor \$185.88. They report the general condition of the banks as favorable.

In 1857 there were in existence eleven savings banks, having an aggregate deposit of \$908,368.99, of profits \$50,782.10, which appears to be a gain of about \$40,000, if allowance be made for the profits being included in the summary for 1856 over that year.

In 1858 there was a small loss in the amount of deposits, and in 1859 the number of depositors was 4997, the amount due depositors \$923,397.78.

In 1861, the fourteen savings banks had increased their deposits to \$1,620,270.26. There does not seem to have been either in 1857 or in 1861 throughout the savings banks, any very serious loss of deposits resulting from the financial panics of those times, but the institutions were so small and kept open so few hours in a day that it is not strange they should feel but slightly the disturbance in the business world.

In 1862, the Bank Commissioners' report was quite elaborate and the summary of the fifteen savings banks shows deposits of \$1,876,165.

In 1865 the deposits in the fifteen savings banks amounted to \$3,336,828, a decrease of deposits of \$336,147, from the previous year. This was not due to any distrust of the banks, but to the issue by the government of a popular seven and three-tenth per cent. loan, with agents at every prominent point.

In 1866 the number of depositors was 19,786, and the amount due depositors \$3,946,433.82, an increase of \$609,605.80 over the previous year.

In 1867 the banks made the first great increase from the previous year of \$1,652,166.74.

In 1868 the deposits had increased to \$8,032,246.71. Upon the recommendation of the bank examiner, Hon. A. W. Paine, who was first sole examiner of savings banks and insurance companies under the late law, the legislature in the following winter passed an act regulating the incorporation and powers conferred upon savings banks, and limiting their rights under their existing charters by general law.

The first section of the act provides for the incorporation of savings banks and the exercise of powers conferred.

The second section provides for the election by the corporators of trustees.

The third section provides for the election of officers by the Board of Trustees.

The fourth section requires an examination of the affairs of each savings bank by the trustees thereof.

The fifth section directs the trustees to see to the proper investment of the funds of the institution, which investments are to be made in any manner which they may regard as perfectly safe; except that no loans are to be made on the security of names alone, nor either directly or indirectly to any trustee, nor to the firm of which any trustee is a member.

The sixth section requires the net income to be divided among the depositors, and no deposit is to be received under any contract or agreement to pay any specified rate of interest.

The seventh section requires that before making any dividend, one-quarter of one per cent. of the net earnings of the dividend period be set apart as a reserve fund, to be kept constantly on hand to secure the depositors against losses and contingencies. All losses to be charged to the debit of this reserve fund account.

The eighth section defines the duties and powers of the treasurer.

The ninth section makes it the duty of the trustees to insure real estate held absolutely or by mortgage, if the same is insurable.

The tenth section makes deposits of married women payable to themselves. A general act in 1860 had made a similar provision for the deposits of minors where not fraudulent.

The eleventh section makes it the duty of the treasurer to make an annual report on the condition of the institution to the bank examiner.

The twelfth section prohibits any officer from using or appropriating any of the funds under penalty as for embezzlement.

In 1869, as the result apparently of the awakened interest indicated by the legislature in enacting the general law, the number of depositors had increased to 39,527, the number of banks had increased from twenty-eight to thirty-seven, and the amount of new deposits to \$10,839,955, an increase for the year of \$2,807,709.

In 1870 six more banks had been added, the number of depositors had increased to 54,155, the amount of deposits to \$16,597,888.

The savings banks during this year and the year previous had paid dividends at the rate of seven per cent., and the bank commissioner suggests the propriety of requiring a larger amount to be credited to the reserve or surplus fund, against such time of financial depression as is likely to be attended by large demands upon the resources of savings banks, and the depreciation of the value of the securities, from the conversion of which the demand must be met. The commissioner further suggests that the policy contemplated in the institution of savings banks is that of absolute safety to depositors; that they are permanent institutions, conducted for the benefit of persons of moderate means, and that unquestioned security should be sought rather than paying high rates of interest, and that a large reserve would be of vast importance to the end of securing absolute safety.

In 1871 the bank examiner published in the report for 1871, for the first time, a schedule of bonds and stocks held by the savings banks.

He reported the number of banks had increased to forty-nine, and the number of depositors to seventy-nine thousand four hundred and eleven, and the deposits to \$22,787,802, an increase of over \$6,000,000.

In 1872 the number of banks had increased to fifty-four, the number of depositors to eighty-one thousand three hundred and twenty, and the amount of deposits and surplus to \$26,154,333, a gain of \$3,300,000. The legislature this year created a tax of one-fourth per cent. every six months, and provided that dividends should not exceed six per cent. per annum.

In 1873 the bank examiner gives, for the first time, a list of the securities held by each bank in detail, omitting, until the report for 1877, the details of rate of interest and date of maturity of bonds, which details would alone enable the expert to determine the value of the assets of the bank. I think giving in detail the bonds and stocks upon which loans are made is a mistake, because no one can determine from such a list whether the note for which they are pledged is good, nor at what percentage of the par value the securities are taken. Indeed, the list of collateral securities loads the report with a mass of detail of no value to a person seeking from the report to determine the condition of the bank. That year the number of banks was fifty-six, the number of depositors ninety-one thousand three hundred and ninety-eight, and the amount of deposits \$29,556,523, a gain in deposits of \$3,400,000 in round numbers.

This statement was made in November and discounts the financial panic of that



year. It is, of course, very gratifying to note the gain over the previous year, when a falling off might have been reasonably expected, but strange to say, there was very little uneasiness felt by depositors during that year, and such depositors as were uneasy were quieted by the assurance that it would be impossible to obtain legal tender notes if they wished to draw the deposits, and that they would have to be content with a check on a national bank drawn by the savings bank giving it, which would be no better security for them than the book of the bank.

In 1874 the legislature increased the rate of taxation to one-half of one per cent. every six months, and passed a law restricting investments outside of New England, to United States bonds and municipal bonds of cities of fifty thousand population in New York, Ohio, Indiana, Illinois, Missouri or Michigan.

The bank examiner reported the number of saving banks had been increased to fifty-eight, that the deposits had increased \$1,495,440 and amounted to \$31,051,963, and the number of depositors had increased five thousand, four hundred and one, and amounted to ninety-six thousand, seven hundred and ninety-nine. The examiner in his reports says: "It will be seen by the exhibit that nearly two-thirds of the deposits of the saving banks are invested in securities of the state of Maine, and exceeding \$21,000,000 in securities of New England, leaving about \$9,000,000 out of New England."

In 1875 the examiner reports sixty-four banks, five of which were organized and commenced doing business this year. He notes in his report the loss, on the 23rd day of July last, of the effects of the Winthrop Savings Bank at Winthrop, and the payment by the officers of \$10,000 reward for the recovery of all the effects except the government bonds and currency, and says it is believed that the resources will now be sufficient to pay the depositors 70 per cent. The total increase for the year in the number of depositors was 45,027, the whole number of depositors 101,326, and an average to each depositor of \$316, and increase of deposits \$1,021,350.55.

In 1876 the bank examiner reports the same number of savings-banks as last year, and the addition of three banks, namely, Solon, Bucksport and Lewiston Institution for Savings, to the list of banks in the hands of a receiver. The total deposits amounted to \$27,818,764, a decrease for the year of \$4,264,549, including the \$129,963 of deposits of the three banks that have been placed in the hands of a receiver; the decrease in the number of depositors for the same period is 10,705, leaving the total number 90,621. The report says: "The decrease in the deposits the past year is due in part to the inactivity and depressed condition of business, the unusual withdrawal from actual necessity by the laboring classes from every department of industry throughout the state, and largely in consequence of a steady and continued run for nearly four months upon many of the large and strong banks in the state, which responded promptly to all calls upon them."

The bank examiner urges that the setting aside of some portion of the earnings for a reserve fund should be obligatory, and says that "the weight of opinion, so far as it has been expressed by officers of the banks, is that a reserve or surplus of ten per cent. of the assets would not be excessive."

The Legislature of 1877 revised and consolidated the laws relating to savings banks, and provided a clause permitting a justice of the supreme court of the state, upon proper representation, to reduce the amount due each depositor of a savings bank so as to divide a loss pro rata among the depositors, thereby rendering the corporation solvent.

In 1877 the bank examiner notes a further decrease in deposits of \$1,633,298, and a decrease in depositors of 1960, leaving a total net deposit of \$25,092,872, but

the profits of the banks increased \$712,966. "This increase in profits is due to the limit by law of semi-annual dividends to 2½ per cent., and the setting apart of one-fourth of one per cent. of deposits to a reserve fund." About the time that this report was issued the first great savings-bank panic, extending over the United States, commenced; late in the fall and early winter the run began on the New York banks, quickly extended to the Boston banks, and early in the year 1878 came with full force upon the savings banks in Maine. Fortunately the banks of discount were not involved in this panic, which seemed to be limited almost entirely to savings banks; but the officers of these institutions were met by a market for their securities, which practically made it impossible for them to realize upon even their choicest securities, and as the panic lasted during the whole year of 1878, the strongest banks felt the strain almost equally with the lesser banks. But for the large amount of loans to individuals and corporations within the state, who were able to place their loans elsewhere and furnish the savings banks in that way with means to pay their depositors, few if any, banks of the state would have been able to meet the demand made upon them.

The bank examiner reports for the year ending November, 1878, a decrease in net deposits of \$3,779,046. Five banks only increased their deposits during the year, namely, Boothbay, Houlton, Limerick, Lubec and Searsport, all small banks, while the larger banks in Bangor, Portland, Lewiston and Auburn, and Saco and Biddeford, made two-thirds of the net loss of deposits in the state.

On the 23d of February of this year the public were horrified to learn that the body of J. W. Barron, treasurer of the Dexter Savings Bank, had been found in the vault, bound and gagged, death following his discovery. About a year after, the theory was advanced that his death was self-inflicted, in consequence of shortage in his accounts. Bank Examiner Titcomb failed to find any evidence of defalcation after an examination of the books of the bank. Stain and Cromwell have since been convicted, and are serving sentence as his murderers.

Thirteen banks, between September, 1877, and September, 25, 1878, were compelled to avail themselves of the relief law of 1877, and have their deposit accounts reduced. Most of these losses were restored to the depositors within a few years. The law proved effective in many ways; since it saved the cost of a receiver; gave the officers time to get their investments into shape; and, best of all, prevented the hurried sale of securities at ruinous prices. In a few years, securities which could not be sold for twenty-five cents on a dollar, rose to par. This was remarkably the case with the bonds of the European and North American railway, the holding of which bonds caused the banks in the eastern part of the state much distress.

I have given, somewhat in detail, the growth of the savings bank system as to the laws governing their management and control. I have shown how slowly at first the deposits grew in amount, until as wealth increased the deposits increased rapidly, how, when the troubles of 1876 came, and grew ever worse, till in 1878 the banks were tried as by fire, coming out of that fire for the most part unscathed, the great bulk of the investments having proved excellent; and, indeed, it is hard to believe that the banks in Maine enjoyed in the seventies almost a monopoly of the market for the bonds of such cities as Chicago, Cleveland, Columbus, Cincinnati, Detroit, St. Louis, and others, and that these securities eagerly sought on less than a four per cent. basis now were paying from six to eight per cent. at par. No such list of bonds paying such high rates of interest can be bought now, and every savings bank officer looks back with pride upon the list of securities which the banks of Maine held when the panic of 1878 closed. This year was the turning point in the history of Maine sav-

ings banks. They had earned the confidence of the public, because there is solid truth in the legend of the man "who don't want his money if he can get it, but wants it at once if he can't."

One of the most absurd panics occurred in 1869 or 1870 under my own eye. It was a warm summer day, and we were lazily waiting for the closing-hour, at noon, when a buggy drove up with an excited man and two companions, who looked on with amused smiles as the depositor drew his balance. Only after weeks did we learn that the depositor was the victim of a practical joke, and had been assured the bank had failed. For six weeks or more there was a steady withdrawal of funds; but as the bank had large unemployed balances, no effort was made to stop the panic. Every day we could trace the place where the rumor had been circulated by the timid ones calling for their deposits, but when it was over the money was quite generally returned in the original bills they received; and we felt the bank was stronger in the confidence of the community for the panic.

With the close of the year 1879 all traces of the panic disappeared. There was a slight decrease in deposits of \$186,363, for the whole state, although some of the stronger banks made a considerable gain.

A table is given herewith, showing the growth of savings bank deposits, reserve fund, and average to each depositor in Maine, from 1879 to 1896:

TABLE SHOWING GROWTH OF SAVINGS BANKS IN MAINE, 1879 TO 1896.

	NO. OF BANKS.	NUMBER OF OPEN ACCOUNTS.	AMOUNT DUE TO DEPOSITORS.	AMOUNT OF RESERVE FUND.	AV. DEP. FOR EACH DEPOSITOR.
1879	59	75,443	\$20,978,139.02	\$519,721.98	\$278.06
1880	55	80,947	23,277,675.82	607,629.63	287.56
1881	55	87,977	26,474,554.97	871,015.33	300.92
1882	55	95,489	29,503,889.71	958,893.19	308.97
1883	54	101,822	31,371,868.87	1,040,096.27	308.10
1884	54	105,680	32,913,835.16	1,098,431.37	311.44
1885	54	109,398	35,111,600.04	1,220,571.14	320.95
1886	54	114,691	37,215,071.40	1,358,744.60	324.48
1887	55	119,229	38,819,643.22	1,438,730.66	325.58
1888	55	124,562	40,969,663.05	1,651,142.40	328.90
1889	55	132,192	43,977,085.09	1,778,935.13	332.67
1890	54	140,521	47,781,166.90	1,941,169.66	340.02
1891	53	146,668	50,278,452.44	2,081,081.57	342.80
1892	53	155,333	53,397,949.15	2,223,986.21	343.76
1893	52	153,922	53,261,308.92	2,190,270.69	345.02
1894	51	155,704	54,531,223.30	2,189,256.76	350.22
1895	52	160,216	56,376,143.90	1,979,925.21	351.87
1896	52	163,115	57,476,895.88	2,031,042.97	352.39

While the rise in the average for each depositor, from \$185.88 in 1856, to \$328.30 in 1871, indicates a rapid increase in the wealth of the community, I incline to the belief that more than 65 per cent. of the increase in the average, since 1871, is due to accumulation of dividends, for my experience is that only a small per centage of dividends are drawn.

This table shows a steady growth in deposits and reserve fund in every year but 1893, and then a loss of but \$136,640, in a total deposit of fifty-three millions; compare this with 1878, and it will then appear how great a confidence the people of



Maine have in their savings banks and how much the banks have been benefited by their show of strength in 1878.

The law of 1877 has been changed in some particulars at almost every meeting of the legislature since that time. On the 24th of October, 1882, a convention of savings bank officers was held in Augusta, at which it was resolved to ask the legislature to broaden the field of investment by a reduction in the requisite population of cities, the addition of Pennsylvania, Maryland, Kentucky, Wisconsin, Minnesota, Nebraska, Iowa and Kansas to the investment field; and the addition of first mortgage bonds of railroads within that field. The Legislature of 1883 made all the changes asked. In 1885, after much agitation, the Legislature reduced the tax on savings banks from one per cent. to three-quarters of one per cent. per annum. In 1893 a curious tax law was enacted which sought to discriminate between bonds and notes of municipalities and corporations within the state, and securities without the state, except United states bonds. To avoid the Scylla of unequal taxation, they fell into the Charybdis of a taxation of a franchise. So wonderful are the workings of this tax law that the banks pay a greater tax when their securities are selling at a small premium than when selling at a high premium. Indeed, it stands as a model of complex legislation, and how a tax should *not* be levied.

The following table, taken from the examiner's report for 1896, exhibits the number of banks paying certain rates of interest:

COMPARATIVE TABLE OF DIVIDENDS.

Rate of Dividends Paid.	Number of Banks.											
	1885.	1886.	1887.	1888.	1889	1890.	1891.	1892.	1893.	1894.	1895.	1896.
6 per cent. paid by . . . . .	1	.	.	.	.	.	.	.	.	.	.	.
5½ " " . . . . .	.	1	.	.	.	.	.	.	.	.	.	.
5 " " . . . . .	6	5	4	5	6	3	4	4	2	1	1	.
4¾ " " . . . . .	.	.	1	1	.	.	.	.	.	.	.	.
4½ " " . . . . .	6	4	4	5	6	9	5	4	3	2	2	1
4⅜ " " . . . . .	.	.	.	.	.	.	.	.	1	.	.	.
4¼ " " . . . . .	.	1	.	1	.	.	2	1	3	.	.	.
4⅓ " " . . . . .	.	.	.	.	.	.	.	.	.	1	.	.
4⅒ " " . . . . .	.	.	.	.	.	.	.	.	.	1	.	.
4 " " . . . . .	41	39	38	42	42	42	38	39	37	33	29	27
3⅞ " " . . . . .	.	.	.	.	.	.	.	1	.	.	1	.
3¾ " " . . . . .	.	.	.	.	.	.	1	1	.	4	2	2
3½ " " . . . . .	.	2	4	1	1	.	2	.	4	5	8	14
3¼ " " . . . . .	.	.	.	.	.	.	.	1	.	.	2	3
3 " " . . . . .	.	2	3	.	.	2	1	1	1	2	5	5
2½ " " . . . . .	.	.	.	.	.	.	.	.	.	.	1	.
2 " " . . . . .	.	.	.	.	.	.	.	1	1	2	.	.
Average rate paid . . . . .	4.20	4.09	4.02	4.15	4.15	4.07	4.08	4.04	3.98	3.84	3.79	3.72

The law with regard to the withdrawal of deposits is as nearly perfect as experience can make it, viz. : "No savings bank shall be required to pay any depositor more than fifty dollars at any one time, or in any one month, until after ninety days' notice."

This law protects both the depositor, who if unemployed can draw enough for the support of his family, and the bank, which has ample time to collect its resources. In thirty-eight years of service I have never known but one panic where depositors were panicky for more than three months.

The law limiting deposits to \$2,000 to any one depositor, directly or indirectly, except for deposits by widows, orphans, administrators, executors, guardians, charitable institutions and as trust funds, is perhaps as fair as any law that can be devised, since experience has taught us it is not safe to receive any large deposit, except under extraordinary conditions as to withdrawal.

In this connection it will appear from the following table why the average rate of interest paid depositors has fallen to below four per cent.

TABLE SHOWING AMOUNT INVESTED IN BONDS BEARING THE GIVEN RATES  
OF INTEREST IN

RATE PER CENT.	1877.	1895.
.03½ . . . . .	\$106,500	\$1,000
.0365 . . . . .	100,000	26,000
.04 . . . . .	162,000	4,460,750
.04½ . . . . .	330,000	2,139,600
.05 . . . . .	66,300	17,538,140
.05½ . . . . .		1,084,100
.05¾ . . . . .		72,000
.06 . . . . .	4,363,742	11,444,415
.07 . . . . .	4,707,100	2,531,400
.07⅞ . . . . .	762,900	240,500
.07½ . . . . .	4,000	
.08 . . . . .	2,017,850	150,750
.10 . . . . .	294,000	
.12 . . . . .	327	
	<hr/> \$12,914,719	<hr/> \$39,688,655

This table does not include notes secured by mortgages of real estate or collateral, nor corporation notes.

In April, 1893, a meeting was held in Portland to organize a Savings Bank Association, which was well attended, and the association was organized and adopted a constitution. The association meets annually and discusses the topics of the hour pertaining to savings banks. Through its executive committee the banks were enabled to distribute to depositors a large number of sound money tracts in the late presidential election.

In closing this sketch of the savings banks of Maine I desire to make the record that no treasurer of a savings bank in Maine has ever proved a defaulter, and no subordinate official, with one exception, has ever stolen any funds, and, in that instance, the bonds were recovered.

For the higher officials no better proof of the faithfulness of trustees and treasurers can be offered than the following exhibit of liabilities and resources in November, 1896, which I believe exhibits investments, so diversified as to character and locality, that only an overthrow of the social and political world could bring the savings banks of Maine to ruin.

TABLE OF LIABILITIES AND RESOURCES MAINE SAVINGS BANKS,  
November 7, 1896.

LIABILITIES.	
Deposits . . . . .	\$57,476,895 88
Reserve Fund . . . . .	2,031,042 97
Special Reserve Fund . . . . .	55,597 25
Undivided Profits . . . . .	1,103,305 05
Other Liabilities . . . . .	52,493 55
Total Liabilities . . . . .	\$60,719,379 70
RESOURCES.	
United States and District of Columbia Bonds . . . . .	\$ 5,262,950 00
Public Funds of Maine . . . . .	895,029 00
Public Funds out of Maine . . . . .	14,303,960 73
Railroad Bonds of Maine . . . . .	4,449,707 67
Railroad Bonds out of Maine . . . . .	11,230,488 14
Corporation Bonds of Maine . . . . .	3,233,799 82
Corporation Bonds out of Maine . . . . .	537,454 00
Railroad Stock of Maine . . . . .	600,534 97
Railroad Stock out of Maine . . . . .	421,073 95
Corporation Stock of Maine . . . . .	411,976 50
Corporation Stock out of Maine . . . . .	116,971 37
National Bank Stock of Maine . . . . .	2,439,549 00
National Bank Stock out of Maine . . . . .	185,875 00
Other Bank Stock of Maine . . . . .	112,850 00
Loans on Collateral . . . . .	4,635,095 60
Loans to Corporations . . . . .	1,389,585 09
Loans to Municipalities . . . . .	283,261 04
Loans on Mortgages of Real Estate . . . . .	7,363,660 32
Real Estate . . . . .	1,037,036 83
Furniture and Fixtures . . . . .	38,368 07
Premium Account . . . . .	469,456 34
Expense Account . . . . .	14,153 67
Other Resources . . . . .	42,495 15
Cash . . . . .	1,244,047 44
	\$60,719,379 70





## CHAPTER CIII.

### HISTORY OF INSURANCE IN MAINE.

BY ALBERT W. PAINE.

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**I**N tracing the history of insurance in Maine little is found of interest or importance until the administration of Governor Chamberlain in 1868. Beginning with the organization of the state government in 1821, a brief statute was enacted providing for the incorporation of insurance companies by the legislature, similar to that of other corporations, including fire, life and marine risks, and in cases of "money lent upon bottomry and respondentia" and "against captivity of persons." No provision was made for mutual companies, and no allusion made to companies of other states doing business in Maine. Occasional amendments were enacted from time to time until the revision of 1840, when all the statutes on the subject were condensed into one general act, including the original and all amendments, with some limitations and some extension of powers. Insurance on life was limited to "persons during their absence at sea," and provision was made for mutual fire insurance, every policy-holder to be regarded as a member, with rights and obligations accordingly. A short section was included providing for companies of other states doing business here, requiring the agents of all such companies to file with the register of deeds of their county a copy of the charter of their company, and also a copy of their power of attorney to agents, under a penalty of \$300 in case of neglect. None other provision was made to meet the case of foreign companies.

In the interim between the revision of 1840 and that of 1857, other amendments were enacted by the different legislatures which were compiled as a part of the revised code, among which very particular provision was made regulating mutual fire insurance companies, one of which was a provision for a lien on all property insured for the payment of assessments on the premium notes, such lien to have preference over all attachments and all claims of creditors in insolvency, provided the company should file a certificate of such claim in the registry of deeds. The rights of mortgagees of the insured property to have the benefit of the insurance in case of loss was carefully provided for. Further provision was also made with reference to foreign insurance companies, requiring agents, under the instruction of their companies, to file with the register of deeds a statement, signed and sworn to by the president and secretary of the company, instructing the agent to accept service of all writs or processes against the company, to the end that such service shall bind the company and give the court full jurisdiction so as to render legal judgment therein, other provisions connected with the subject being also enacted. Provision was also made to meet the want of companies in this state to do business in other states, by authorizing the

state treasurer to receive and hold in trust such stocks or other securities as might be necessary to authorize companies to issue policies in other states.

Other amendments or additional provisions were enacted from time to time (reference to which will be made in subsequent part of this history), until we come to the statute alluded to in the beginning of our remarks.

Allusion is made to the statute of 1868, chapter 220, which was caused to be enacted by Governor Chamberlain partially to meet the many evident defects in the insurance system, but more particularly to meet the contingency which had then occurred in the bank system by the operation of the United States statute creating national banks and effectually abolishing the then-existing state bank system by a heavy tax on its circulation. State banks being then virtually abolished, the office of Bank Commissioner naturally followed suit, leaving savings banks without an overseer. To meet this state of things the governor recommended the enactment of the statute alluded to, creating the office of *Bank and Insurance Examiner*. The statute briefly provided for certain defects in the law of insurance as then existing, and, to a certain extent, to secure an honest performance of the duties naturally devolving on insurance companies. The Bill proposed was readily enacted by the legislature, and Albert W. Paine, of Bangor, was at once appointed bank and insurance examiner. Mr. Paine at once entered upon the duties of his office, and, after a careful examination of the laws of the state regulating the business of banks and insurance companies and their respective importance, he resolved to revise the whole system and establish two independent branches of government to have the oversight and direction of the respective subjects thus committed to him. He accordingly with great care drew the two separate statutes, one establishing the department of Bank Examiner, and the other that of Insurance Commissioner. Both were presented to the legislature at its next session, and, with very little opposition before the committee, one was unanimously adopted as the law governing the practice and duties of savings banks.

The act establishing the insurance department met with most violent opposition, foreign insurance companies by their agents almost unanimously appearing as remonstrants. So universally throughout the state was the proposed law opposed, that it was naturally overruled and rejected by the committee. At the next session the draft was again presented to the legislature with an opposition greatly strengthened, some ten or twelve thousand remonstrants having presented their names in opposition, while the draftsman found himself alone and without aid. A large part of the session elapsed during the discussion before any result was reached, when, after a vigorous support of the law by ex-Governor Williams, after striking out the tax section, the committee unanimously approved the bill and reported it to the legislature, when it received a ready enactment, and Mr. Paine was at once appointed insurance commissioner. The statute thus enacted is the Act of 1870, Chapter 156.

INSURANCE DEPARTMENT.—The general provisions of the law were the creating of the office of insurance commissioner, who should hold office for three years, with the duties which the safety of the people seemed to require. Among these was that of an annual or oftener examination of all stock and mutual insurance companies of Maine, to see that no such company incorporated by this state should commence business until proved to have its capital stock all paid and other conditions performed; that no stock or mutual company should be permitted to do business until it had a *bona fide* paid-up capital or cash assets amounting to \$100,000; that no insurance company incorporated by any other state or government should transact any business in this state unless it had a *bona fide* paid-up capital or cash assets amount-

ing to \$100,000, nor unless the company shall first obtain a license from the commissioner authorizing it so to do, before granting which the company should furnish the commissioner with a copy of its charter and by-laws, together with sworn statement of its financial condition in such form as the commissioner shall prescribe. Upon furnishing such information to the satisfaction of the commissioner by the company, he was authorized to grant such license, the same to continue until the first day of July then next, with right to have the same renewed annually so long as the commissioner was satisfied of its responsibility, subject, however, to the laws of this state, the company to pay the sum of \$20 upon such license being granted, and upon each renewal thereof.

All companies thus authorized to do business in the state to make annual reports to the commissioner of their condition and business, according to such form as he should prescribe—with power to appoint agents in the transaction of the business of the companies, to each of whom, upon such appointment, a proper license should be granted by the commissioner on payment of one dollar annually. No person to be allowed to act as such agent without first receiving such license under a penalty of \$50.00, to be inflicted on any person who shall solicit, receive or forward any risk or application without such certificate.

All agents thus appointed to fully represent the company, with power to receive any or all notices required to be served on the company, the agent to stand in the place of the company—service of writs on the agent to be legally binding upon the company to give full jurisdiction to the courts of this state, so that all judgments rendered should be binding on the company the same as if citizens of the state. All facts known to the agents, including omissions and misdescriptions, to be regarded as known by the company and binding accordingly.

All judgments rendered by the courts in this state against any company doing business as aforesaid, to be paid within thirty days, under penalty of having its authority forfeited in case of neglect.

Any person might be licensed as insurance broker to negotiate contracts of insurance for a compensation, by virtue of which license he may place risks or effect insurance with any insurance company of the state, or with the agents of any insurance company out of the state who have been licensed to do an insurance business in this state, but with none other. For such license the broker to pay \$5.00 annually. Any person assuming to act as such broker, without receiving such license, forfeits the penalty of not more than \$50.

Upon any representation or charge of fraud or other wrong made by any insurance company, the commissioner to cause investigation to be made; as also in all cases where he learns that the net cash funds of any foreign life insurance company are not equal to its liabilities, in both of which cases the appropriate remedy is provided.

All policies on the life of any person, and all money due on same, are exempt from attachment and from all claims of creditors during the life of insured, where the annual cash premium paid does not exceed \$150, and when the debtor has paid a premium exceeding that sum, the creditors have a lien on the property for all sums so paid in excess thereof for two years, subject, however, to any pledge or assignment *bona fide* made.

By provision of the law regulating the descent and distribution of the personal estate of deceased parties, all moneys received from insurance on the life of the deceased, deducting three years' premiums paid and interest, where he left a widow or issue, are to be paid to them, and although the estate is insolvent, the insurance may be disposed of by will.



The law thus enacted was re-enacted, substantially with slight amendments, in the revisions of 1871 and 1883, and is still a part of the law of insurance in Maine. Several additions, however, have been made from time to time by new acts, as follows :

The present statutes contain additional provisions regulating the transaction of business by companies, such as proof of claims or losses, limitation of risks, payment of dividends, collection of dues, and many others of a like nature.

By statute of 1891, life insurance companies are prohibited from making any discrimination in favor of any insureds, forbidding rebates of premium and all contracts other than those in the policy or such as tend to inducement of any kind, a penalty of \$200 being imposed besides a suspension of business for any violation.

A like prohibition is enacted against any casualty insurance company limiting the time of notice of loss, injury or death to a less term than thirty days after the event insured against.

Policies of domestic life insurance companies liable to be forfeited for non-payment of premiums are, notwithstanding, continued in force, after three years from date, for certain length of time dependent on the surrender value of the policy as particularly set forth in the act.

**LIFE AND CASUALTY INSURANCE ON ASSESSMENT PLAN.**—By act of 1889 and amendments provision is made for domestic companies to be organized, as also for foreign companies to be admitted, to carry on business on the assessment plan, according to the rules minutely set forth in the act.

**FOREIGN SURETY COMPANIES.**—By act of 1885 provision is made for foreign surety companies to do business in the state upon conditions minutely stated.

**FRATERNAL BENEFICIARY ORGANIZATIONS.**—By act of 1889 fraternal beneficiary organizations, both foreign and domestic, are authorized to do business.

**OTHER OBJECTS OF INSURANCE.**—By act of 1895 provision was made for the organization of plate-glass, steam-boiler, employers' liability and live stock insurance companies.

**MASONIC AND OTHER SECRET SOCIETIES.**—Closely connected with the last-described legislation is the somewhat amusing history of an attempt to legislate for that large class of secret societies, composed of Masons, Odd Fellows, Knights of Pythias and other like associations. By act of 1885 all such should not be deemed life insurance companies under the laws of the state. In 1889 the act was unequivocally repealed.

**STANDARD INSURANCE POLICY.**—By act of 1895, the legislature passed a law prescribing a standard form for fire insurance policies, and made it obligatory on all companies doing business in Maine to use that form and none other in all fire risks, except where the commissioner may approve of the introduction of any provision required by the company's charter or law of its state, not contrary to the law of Maine. In case of any willful violation of this act by any insurance company or its agents, the violator forfeits for each offense not less than fifty dollars nor more than two hundred, the policy, however, to be binding on the company.

**FIRE INQUESTS.**—By statute of 1895, provision is made for the investigation of the cause of any fire not clearly accidental or evident, by having inquest made, it being made the duty of the municipal officers to see that such inquest is had under penalty for neglect, due report of same to be made to the commissioner and by him to the governor and council.

**FIRE INSPECTOR.**—By act of the legislature of 1895, provision is made for the appointment in all towns and cities of more than two thousand inhabitants, of a fire inspector, whose duty it is to examine all buildings in the thickly-settled portions of the

city or town, as they are being erected, and also all buildings undergoing repairs, and see that all proper safeguards against fire are provided, it being made his duty to give directions as to the proper precautions to be used. It is also made his duty at least as often as every three years, to examine the heating apparatus of all the buildings within his jurisdiction in which fire is kept, and see that all are safely provided against fire, the owners being required to follow his instructions under a penalty for neglect.

TAXES.—In the previous part of this history the fact was mentioned that in the original draft of the law creating the Insurance Department, a section was drawn imposing a tax on the companies, which was rejected. Subsequently, during Governor Dingley's administration, in 1874, he procured a "Resolve" to be passed by the legislature, authorizing the appointment of a commissioner to inquire into the system adopted by other states to raise revenue outside of direct taxation. Mr. Paine was appointed, and, after a very general inquiry made his report recommending, among the items, that of taxing insurance premiums. His recommendation was adopted, and a tax of two per cent. assessed on all premiums received by foreign companies in excess of losses actually paid during the year, which tax is still in force.

NATIONAL INSURANCE CONVENTION.—The history of the National Insurance Convention, its organization and work, is so closely connected with that of insurance in Maine, the latter cannot be fully told without that of the former. Previous to its existence no inter-state system of government or practice of insurance companies existed, but each company was largely left to its own discretion in all matters of practice and report. Commissioner Miller, of New York, originated the idea and at once invited the several commissioners, or public officers of the different states having charge of the subject, to meet together to consult with each other and adopt such a system as might answer the great existing want. The convention was thus a voluntary meeting of the parties thus publicly interested. The first meeting was held at New York, on May 24, 1871, when an organization took place, the commissioner from Maine having been called to the chair as presiding officer. General discussions took place on the many different subjects involved, when committees were appointed to consider them severally and report at the adjourned session. After nine days of active work the convention adjourned to meet again on the 18th day of October, following, at which time the members again met, and after receiving reports from the several committees and extensive discussions by members and others, a general system was adopted regulating the whole subject, as now prevails throughout the whole country, the session occupying ten days of time. Thus was established the general system of inter-state government of every branch of insurance, so important to all owners of life and property throughout the Union. The convention is still in active existence, its members annually meeting together to consider and act upon the extensive subject thus so largely within its care and oversight. The whole work of insurance, and especially of the commissioners, throughout the Union, the responsibilities and other items of safety connected with the companies, and, indeed, almost every matter connected with the subject, is more or less, at the present time, governed by the laws and rules established by the convention.

INSURANCE BUSINESS.—The work of insurance and its extent in Maine naturally forms an important part of its history. To require a full and minute account thereof in every particular, past and present, one has only to study the reports of the insurance commissioner of the state, and more especially that of 1896, which contains a

most elaborate statement of the whole subject. Lack of space prevents any very general synopsis of its contents here. From this report it appears that only two state of Maine stock insurance companies are doing business there, being the Merchants' and the Union Marine, both of Bangor. No state of Maine stock fire insurance company exists there. The report, however, gives a list of forty-six mutual fire companies, the most of which are town companies limited to a very small territory. Of foreign fire companies there are forty-eight stock and three mutual companies of other states and twenty-two of other governments licensed to do business in Maine. The Union Mutual Life Insurance Company, of Portland, is the only state company doing life insurance business in Maine. Of life companies of other states there are twenty-three doing business there. Of casualty companies twenty-one, and of assessment companies twenty, all but three of the latter being companies of other states. Of fraternal beneficiary organizations there are twenty-one state companies and twenty-eight from other states doing business in Maine.

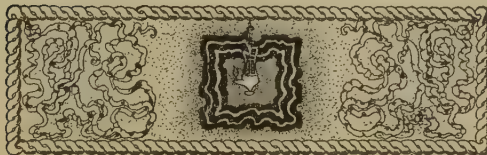
AMOUNT OF FIRE RISKS —Among the very numerous items and tables of figures relative to the work of different fire companies, as found in the commissioner's report, and especially that of the year 1896, is that giving the Maine business of foreign fire insurance companies for the last twenty-eight years. From the table it appears that during the last year, 1895, the total amount of premiums received in the state during the year was \$1,576,489, while losses paid were \$848,949, or 53.85 per cent. Thus showing how good a state is Maine for the work of insurance companies.

#### DEPARTMENT OFFICERS.

Albert W. Paine, Bank and Insurance Examiner from March, 1868, to May, 1870.

#### INSURANCE COMMISSIONERS.

Albert W. Paine	from May, 1870,	to May, 1873.
Joshua Nye . . . .	from May, 1873,	to May, 1879.
William Philbrick	from May, 1879,	to March, 1880.
Joseph B. Peaks .	from March, 1880,	to March, 1883.
Oramandel Smith	from March, 1883,	to Oct., 1884.
Frank E. Nye . .	from Oct., 1884,	to Jan., 1885.
Joseph O. Smith .	from Jan., 1885,	to Jan., 1894.
Stephen W. Carr .	from Jan., 1894,	to — — —.






## CHAPTER CIV.

### COMMERCIAL HISTORY OF MAINE.

BY ROBERT TREAT WHITEHOUSE.

O the spirit of commercial adventure Maine owes the first settlement on her shores. The chief motive for the foundation of the Popham colony in 1607 was the hope of pecuniary profit from the enterprise, and the settlement which grew up shortly after at Pemaquid owed its existence entirely to the fishing and trading in that neighborhood. It is related that after the abandonment of the Popham colony and the death of Chief Justice Popham, "his son and successor, Sir Francis, who was sent out, became governor and dispatched vessels thither on his own account," and "having the ships which remained of the (Plymouth) company, and supplying what was necessary, sent divers times to the coasts for trade and fishing."\* Captain John Smith, who visited Monhegan six years later, in 1614, says: "Right on the main against us Sir Francis Popham's ship was in, and had such acquaintance, having used that port only for many years, that the most part of the trade was there had by him."† Indeed all the earliest trading in Maine centred around this region. In 1616 Monhegan appears to have grown into some importance as a trading station. There is record of eight ships there at this date.‡ When Captain Christopher Levett sailed into Boothbay harbor in 1623, "Pemaquid had become the great centre of trade to the native hordes of Maine." In Levett's relation§ of this voyage, he says: "The next place I came to was Cape Manwagan (Cape Newagen), a place where nine ships fished this year. He there met Samoset and other Indian chiefs, who, he was told, "had some store of beaver coats and skins, and was going to Pemaquid to truck with one Mr. Withridge, a master of a ship of Bastable." Levett traded with them for nearly the whole lot. He found in all thirty or forty ships trading and fishing along the coast, one of which was a great ship with seventeen pieces of ordnance and fifty men. The Plymouth colonists, he informs us, had a ship fishing at Pemaquid at this time. The Pemaquid settlement naturally soon assumed considerable importance as a commercial port. Fishing vessels, in the proper season, were continually coming and going—more frequently than at any other port on the whole coast. A fort was erected there in 1630, and the settlers pursued a gainful trade in furs with the natives for many years.

\* Plymouth Company's Relations, Maine Historical Collections, Vol. II., p. 33.

† Thornton's Pemaquid, Vol. V., M. H. C.

‡ C. E. Banks, Hist. and Gen. Recorder.

§ See "Levett's Voyage into New England," given in full in M. H. C., Vol. II., p. 87.

The legal status of the trading rights in this region during these years requires mention here. The charter of 1606 conferred upon the colonists the exclusive trade and fishing within their territorial limits, importations from England for seven years duty free and the expulsion of all intruders. These privileges were confirmed in the New England charter of 1620. But there were many intruders on these rights, so that the Plymouth Council were obliged to complain to the king in 1622. The profit of trade with the natives and the rights of fishing upon the coast were encroached upon. The offenders, "resolving to omit nothing that might be impious and intolerable," had sold the savages firearms and ammunition and taught them the use of the gun. But some of these wrong-doers afterwards met with retribution at the hands of the same savages they "had taught and with the same weapons they had sold them."\* To prevent these misdoings, if possible, the king, November 6, 1622, issued a proclamation commanding his subjects in New England, never to disturb the trade with the natives nor sell them firearms nor intermeddle in any way without a license from the Plymouth Council or the crown.

In the following year Francis West came over commissioned as admiral of New England with instructions to restrain all unlicensed ships from fishing and trading within the Plymouth Patent, or else compel the payment of the tonnage tax which had previously been imposed. He found the fishermen too stubborn for him, however, and left for Virginia. The fishermen complained to Parliament of West's attempts to restrain them and requested an order that the fishing be made entirely free. Sir Ferdinando Gorges was thereupon summoned before the House to defend the charter from the charge of being an obnoxious monopoly, and though the charter was not revoked the Plymouth Council were obliged to suspend their operations under it. In 1631 a patent of the Pemaquid region was granted under the charter of 1620 to Robert Aldsworth and Gyles Elbridge. By this instrument, which was also a charter, they were given the right to fish, and to trade with the natives in any part of New England, and these were their exclusive privileges within their own patent.

The colonists at New Plymouth, in Massachusetts, by barter each year at Monhegan and Damariscove for provisions, had become acquainted with the profits to be made from the fishery and fur trade in this quarter, and began to make trips hither for this purpose alone. In 1625, after the harvest, they sent a shallop loaded with corn "up Kennebeck river," in exchange for which they received "seven hundred pounds of beaver besides other furs." The following year, 1626, they erected a trading-house at Bagaduce (now Castine) at the mouth of the Penobscot, and began a traffic with the Tarratine Indians, this being the first establishment of this kind in these waters.† In 1628 New Plymouth also established a trading-house near the mouth of the Kennebec river, probably near Fort Popham. At these two stations they opened a trade in a (then) new article, called wampum, with great profit; in fact it commanded a readier market among the tribes than any other commodity. It consisted of white and blue beads, perforated and strung, possessing a clearness and beauty which rendered them desirable ornaments. They were procured from natives on Long Island, from whom they were obtained at a low price for corn, or small articles of foreign manufacture, and transported into this eastern region and bartered for furs. Besides wampum they carried in stock the most suitable articles for the Indian trade,‡ such as coats, shoes, blankets, biscuit, fruits and trinkets. In 1629 New Plymouth obtained a patent of this Kennebec region, which

\* Williamson's History of Maine, Vol. I., p. 227.

† Williamson's History of Maine, Vol. I., p. 233.

‡ Williamson, p. 236.

was intended as an express favor to her trade and fishery. It granted all the exclusive rights of trade.\* Soon after the patent was granted the patentee made a settlement and built a trading-house at Cushnoc, now Augusta.† Their trade on the Kennebec river was prosecuted at the Fort Popham Station, at Richmond Landing and at Cushnoc.

There was also considerable activity in trade at Brunswick during these early years. Thomas Purchase, soon after his settlement in 1628, caught, cured and packed salmon and sturgeon for a foreign market. A company was formed in London for importing cured and dried sturgeon who had an agent at the foot of Pejepscot Falls and a building erected there. An extensive trade was carried on here till into the last century, when the salmon began to disappear.

In 1628, also, Richmond's Island, near Portland, was occupied by one Walter Bagnall, who used every possible means to drive a profitable trade with the Indians. Such was his cupidity and baseness, however, that he brought down the vengeance of the natives upon him, and he was murdered by them in 1631.‡ Shortly after his death the island was included in a grant to Trelawney and Goodyear, merchants of Plymouth, who appointed John Winter their principal agent. Winter at once went to work, and built a ship upon the island, "settled a place for fishing, and improved many servants for fishing and planting."§ In 1634, as early as the first of March, Winthrop says, "Seventeen fishing-ships were come to Richman's Island and the Isle of Shoals."|| "I have seen," says another writer, "in one Harboure next Richmond's Island 15 sayle of ships at one time that have taken in them dryed codds for Spain and the Straits." The fish were cured on the islands and neighboring mainland, and it is said by 1638 Winter employed sixty men in the fishing business. The trade in beaver in this neighborhood was also very good at this time. In the spring of 1635 a ship of eighty tons and pinnace of ten tons arrived at the island. In 1638 Mr. Trelawney, their sole proprietor, sent a ship of three hundred tons to the island laden with wine; and the business of the plantation continued to be pursued with great activity until the death of the proprietor in 1644. The merchandise shipped to the proprietor in England consisted principally of pipe-staves, beaver, fish and oil. In 1639 Winter sent in the bark, "Richmond," six thousand pipe-staves, which were valued here at £8 8s. a thousand. Some shipments were made directly from the plantation. Winter kept the only place of general traffic in the region, and he appears to have driven rather hard bargains in his dealings with the settlers, often obtaining as high as two hundred per cent. profit on his transactions. Numerous complaints were made against him, and an indictment was even brought against him in Gorges' Provincial Court for taking more than five per cent. profit. After the death of the proprietor the commercial character of the plantation declined, and the trade gradually sought other channels, till the island became entirely deserted. The evidences of the former commercial prosperity of this spot are now to be found only among the almost perished memorials of a bygone age.¶

The early settlers of Saco depended mainly upon fishing and commerce for support. The waters were alive with fish, and hundreds of quintals of cod, hake, haddock and pollock were taken annually along the coast and dried on rough stages built on the shore. The fish were bartered with the merchants of Massachusetts and Virginia for corn and other stores from England, or exported to foreign countries.\*\*

\* Williamson, p. 237.

† Willis's History of Portland, p. 35.

‡ Winthrop's Journal, Vol. I., p. 138.

§ Statement of Kennebec Claims, p. 15.

|| Prince's Colonial Records, p. 39 and 65.

¶ Willis's Hist. of Portland, p. 41.

\*\* Old times in Saco (Owen), p. 14.



In 1630 the Waldo patent was granted, between the Penobscot and Muscongus rivers, expressly for the purposes of exclusive trade with the natives. The associates established a trading-house on the eastern banks of St. George's river, five miles below the head of tide-water, where traffic was continued till the first Indian war.\*

Under the province charter of Sir Ferdinando Gorges in 1639, the legal status of trade was about as it had been under the previous charters. All English subjects had full privilege to take fish in any waters of the province, and dry them on the shores. An exclusive trade was granted the proprietor, and the inhabitants within the province.

In 1633 the colonists of New Plymouth established at Machias a new trading-house, which they stocked with a variety of valuable commodities. The trade and interests of the New Plymouth colony at Kennebec, however, gradually declined down to the year 1652. There was a decrease of game and furs, and an increase in the number of traders. In 1655 the trade was leased for several periods, till by 1661 the trade had practically become extinct, and the patent was sold. In no other part of New England had the inhabitants devoted themselves so entirely to the fur trade as in this region. For thirty-four years it had been well improved by the parent colony, and during that period the net profits must have been more than £1,600 sterling.

In 1667 the Baron de Castine appeared among the Tarratine Indians, and settled upon the peninsula since called by his name. He there constructed a commodious house for habitation and trade. He procured a supply of fire-arms, ammunition, blankets, steel traps, baubles and a thousand other things desired by the natives, made them presents and opened a valuable trade among them by exchanging these articles for furs at his own prices. His success with trade rendered him content with his lot, and he continued to live in the country for thirty years, having amassed property worth 300,000 crowns.

Pemaquid, in 1677, was an appendage of New York, and its affairs were administered by the governor and council of that colony. The minutes of the council contain numerous orders regarding the trade of the Pemaquid region. One of these orders issued in 1677, provided that the trading place should be at Pemaquid and nowhere else, and that "all English fishers should have free liberty of fishing." † Another ordered that a broad street be laid out at Pemaquid,—“All trade to be in said street, in or afore the houses, between sun and sun, for which the drum to beate or bell ring every morning and evening.” No manner of trade was to be allowed anywhere else on penalty of forfeiture of all such trader's goods.‡ In 1683 we find a petition from the inhabitants of Pemaquid to the governor and council which contains the following interesting passage § in regard to the trade regulations of the region. Whereas it was expressly ordered that Pemaquid should be the sole port of entry which had proved an embarrassment to many fishermen on account of the distance and the dangers of Pemaquid Bay, “Ouer Humble request to Yr Honer is that you wold grant us two places more of Entrys and Clering the one at Nu Dartmouth in Ships Gutt river Whare ar Considerable inhabbitance and meny more coming and promoting a considerable trad of Shiping ffor Masts and Lumber and all soe an office or some parson at Sacadyhocke in Kennebec River appointed ffor Entring and Clearing.” The petition was denied and Pemaquid continued to be the sole port of entry.

\* Williamson, p. 241.

† “Pemaquid Papers,” p. 20-21.

‡ Council Minutes, “Pemaquid Papers,” p. 18.

§ “Pemaquid Papers,” p. 86.

In 1716, for the protection of the inhabitants and the promotion of trade, one Doctor Noyes, of Boston, one of the Plymouth proprietors, built a stone fort at Cushnoc (Augusta), on the Kennebec. Noyes, being patronized by some fishmongers in London, entered largely into the sturgeon fishery which he carried on "in the several branches of the Sagadahock for seven or eight years." In some seasons twenty vessels were employed in the work and "many thousand kegs" were filled, which were regarded as equal "to any that ever came from Hamburg or Norway." Also vast quantities of pine boards and planks, hogshead, pipe and barrel staves, and all sorts of timber, were annually shipped from the river to Boston and foreign places.\*

Portland, or Falmouth, as it was called previous to 1786, owing to its favorable situation, early became a place of considerable commercial importance. In the "Journal" of the Rev. Thomas Smith we find an entry, "April 9, 1726, 'Twenty-six vessels now in the harbor.'" Coasting and fishing at first employed a few small vessels, and corn, wood, fish and lumber were transported to western and southern ports. Large quantities of wood cut in the neighborhood were sent to Boston. A few years after the beginning of the settlement, the English government turned its attention to the town as a central point for procuring masts for the Royal Navy. This brought a number of large ships here annually until the Revolution, and became a business of great importance to the town, furnishing a ready market for timber and encouragement for ship-building. The masts were brought down Fore and Presumpscot rivers, and together with the spars, were prepared upon the banks. The ships for the transportation of these masts were especially constructed for the purpose. They were about four hundred tons burden, navigated by about twenty-five men and carried from forty-five to fifty-five masts a voyage.† In addition to the lumber and mast trade, a few vessels of a smaller class were employed in the West India business maintaining a direct intercourse with the islands, and bringing home rum, sugar and molasses in exchange for lumber and fish.‡ This trade had grown up so that a few years previous to the Revolution it had attained considerable importance. This West India business was carried on to considerable extent at Simonton's Cove, in Portland Harbor, where a large and valuable wharf was erected, and the cove was frequently thronged with vessels.§

Naval officers were established by law in 1701 in every seaport in the province, "for the entering and clearing of all ships and other vessels trading to and from it," and a fee table was prepared for their regulation. The colony laws relating to imports were numerous. Small duties were imposed at first upon wines and spirits and afterwards extended to all goods, wares, merchandise and provisions of all sorts, excepting fish, sheep's wool, cotton wool, salt," and a few other articles of necessity. By a law passed in 1670, the duty was ad valorem, one penny for every twenty shillings of value, but the tariff was then, as in modern times, the subject of continual tinkering. The first naval office was opened in the port, it is thought, about 1730.||

By 1736 commerce had considerably increased throughout these eastern provinces. The chief articles of export were fur, fish and lumber, but the fur trade which had once been so extensive, was at this period principally confined to the truck houses. The business declined according to the decrease of the Indian population. About six hundred men, inhabitants of the province, were employed in the

\* Williamson, p. 90-91.

† Willis' History of Portland, p. 453-4.

‡ Willis' History of Portland, p. 456.

§ Willis, p. 457-8.

|| Willis' History of Portland, p. 458.

fisheries, and large quantities of fish were annually taken from the rivers and coasts. Our forests, however, formed our chief storehouse of wealth. Lumber of different kinds brought fair and steady prices, and commanded a ready market and prompt pay. The mast trade was confined wholly to Great Britain, but boards, shingles, timber and also fish, being principally controlled by Boston merchants, were exported to European ports and the Caribbee Islands. In the winter season small vessels transported to the Southern Colonies English and West India goods which were there exchanged for corn and pork, articles in great demand among the eastern inhabitants.\*

We now come to the subject of our commerce as connected with England. In 1696 the Crown established the Board called "The Lords Commissioners for Trade and Plantations" and Parliament began what is known as the "American System" by passing first the Navigation Act. This required all ships trading between the mother country and her colonies to be of English, Irish, or American build, and their cargoes to be the property of the king's subjects. It was followed in 1710 by the Trespass Act, which was intended to reserve the mast pines in the forests, for the use of the Royal Navy. It imposed a fine of £100 sterling for cutting a single mast. In 1750 the Iron Act was passed, which compelled the colonies to export their iron to London in pigs and bars, and to take in exchange cutlery, woolens and other fabrics. Attempts were also made to restrict the colonies, in their trade with the West Indies, to the islands belonging to the English. In 1755 the Sugar Act was passed by which a duty of nine pence per gallon was laid on rum, six pence on molasses and five pence on each hundred weight of sugar imported from any other than English islands. One of the principal articles of export from Maine to the West Indies was lumber which was there exchanged for molasses in large quantities, the latter being in great demand among the colonists. Moreover, molasses and rum were carried by fishing vessels in the winter to the southern colonies and exchanged for corn and pork which were needed every year in the east. Even while this commerce was unrestricted the balance of trade at this time was against our eastern traders, and to restrict them to trade with the English alone even in the single article of molasses would have proved a fatal check to their commerce.

The provincial government, in 1752, in order to lessen the direct tax, laid an excise tax on ardent spirits, distilled, and duties were exacted on wines, rum, sugar, molasses, tobacco, logwood, and West India fruits, and on most other articles imported. The tonnage duty was "a pound of good pistol-powder per ton" on every vessel except British or English colonial, which was to be paid every voyage.† In 1758 the first and only custom house in Maine previous to the Revolution was established at Falmouth (Portland), and Francis Waldo was appointed the first collector.‡

The conquest of Canada gave a new impulse in 1760 to trade and every sort of enterprise. The losses sustained by removals and death, being fewer than in any former war, were soon repaired, either by the return of fugitive settlers or by new emigrants. Ship-building and trade were even promoted by the stories of soldiers and visitors who, having lately seen the country, gave extravagant descriptions of its advantages and water privileges, and the lumber business opened a captivating though delusive prospect of gain.

The end of the French War also induced the British ministry to endeavor to carry out more effectually the experiment already begun of raising a revenue in America. Accordingly they at once gave the officers of the colonial revenue strict

\* Williamson, p. 188.

† Williamson, p. 286.

‡ Willis' Hist. of Portland, p. 459.



instructions to enforce the act of trade passed in pursuance of the "American System." An order was specially passed for a rigid exaction of the duty on molasses, which occasioned deep and general excitement. For, as we have seen, there was no act whose enforcement could more severely affect the interests of this eastern region. The high duties on imports and restrictions on trade were more severely felt by the eastern people than by any portion of the colonists. Engaged in the lumber business and the cod-fishery instead of agriculture and manufactures, they were disproportionate consumers of foreign articles. Lumber and fish were the staples of export, though such large quantities of pot and pearl ashes were sent to Great Britain that a statute was passed about this time to prevent fraud in the manufacture and sale of them.

Parliament, June 29, 1767, in pursuance of the ministerial plan of taxation passed the famous act imposing a duty to be paid by the colonists on all paper, glass, painters' colors and teas imported into this country. The duties were to go into force November 21st following, and a custom-house officer and board of commissioners were established in America. These measures were pronounced by the colonists oppressive, and the appointments were declared unconstitutional. The General Court of the province of Massachusetts Bay sent a circular letter to each of the sister colonies urging them "to write in suitable measures to obtain redress." These circulars aroused the indignation of the ministry, who condemned them as "highly inflammatory and tending to sedition," and commanded the House at the spring session to rescind them without delay. But as they persisted boldly in their refusal, the ministry dissolved the General Court and protested against calling another.

During the years between 1766 and 1769 the trade between Great Britain and her colonists on the average employed one thousand and seventy-eight ships and twenty-eight thousand nine hundred and ten seamen. The total value of all goods exported was on the average £3,924,606 sterling, and the imports into the colonies, principally from Great Britain, were £3,370,900 sterling. But the restriction on trade began to check ship-building and fishery, and the eastern people met with more trouble in furnishing themselves with supplies. Consequently agreements were entered into against the importation of British goods, and all persons were declared enemies of the public welfare who refused to unite.

In 1770, however, there was a change in the ministry which was followed by a repeal of the duties on most of the articles taxed except teas. This last was retained as a matter of principle to establish the continued right of the mother country to tax the colonies, and served to keep alive the flame of patriotism in America. Associations were extensively formed "to drink no tea till the act imposing the duty should be repealed." The excitement and feeling reached a climax December 16, 1773, with the throwing of the chests of tea into the water in Boston harbor.

This destruction of the tea was considered by the British ministry as an outrage upon the national government, and the king made the transaction the subject of a special message to both houses of Parliament. Several statutes were hurried through Parliament, one of which closed the port of Boston to all trade after the 18th day of June, 1774. The inhabitants of Maine, whose interests during all these events were of course identical with those of the rest of the province of Massachusetts Bay, of which they were a part, held meetings meanwhile, and encouraged each other by resolves and communications. The inhabitants of Falmouth, the only port of entry in Maine, assembled in town meeting and discussed their wrongs, declaring "that neither the Parliament of Great Britain, nor any other power on earth had a right to lay a tax on us without our consent, or the consent of those whom we might choose to represent us."

In the spring of 1775 the news arrived here that Parliament had passed acts by large majorities, to limit the trade of the New England colonies to Great Britain and the West Indies, and to restrain our people from fishing on the banks of Newfoundland, and to divide the colonies by proposing favors to such as would submit. The vindictive character of these acts and the reinforcement of the British troops in Boston, induced the Provincial Congress to raise a force sufficient to resist any attack the British troops might make. The battle of Lexington followed April 19th, and the War of the Revolution.

In Maine, in 1779, the embargo which had been declared, and which prevented intercourse between our seaports and other places, caused a dearth of provisions and general distress. Consequently, no wines, spirits, sugar nor molasses, no wood, flax, cotton, nor goods made of them,—no coffee, salt or chocolate,—no shoes, skins or leather,—no live stock, nor any sorts of provisions, were allowed to be exported to any state on penalty of forfeiture. No person was permitted to load these articles nor any spars on board of a vessel, under a pretense of carrying them to the army, without license first obtained from a legislative committeeman, appointed in every county.

Immediately after the war our trade was greatly embarrassed, owing partly to the want of suitable regulations by our own government, but chiefly from measures adopted already by Great Britain, by which the West India ports were shut against American vessels. Our own vessels were excluded from a profitable trade, which they had possessed before the war, and which, from the abundance of lumber, our great staple, had been particularly favorable to this section of the country, while British vessels, on the other hand, were allowed free entry into our harbors, which supplied all their own markets, and became the carriers of our produce to the great injury of our commerce. Accordingly, in 1785 the representative from Falmouth (Portland) was instructed by the town to proceed at once to the General Court and endeavor to secure the passage of a law to remedy these evils. The result was the passage of an act excluding British ships from taking on board any of our products, while our vessels were prohibited from entering the ports of the West Indies; but in case that restriction was removed, their vessels were to be admitted on the payment of a tonnage duty of five shillings a ton. Boston, Falmouth and Dartmouth were made ports of entry and delivery. In 1790 all the coasts and ports of Maine were classed into nine commercial districts, in each of which a collector and other custom-house officers were appointed.

Falmouth, Portland, in 1785, had a tonnage of about fifty thousand.\* The vessels were principally schooners and sloops, which were employed in coasting, fishing and in trading to the West Indies. The West India trade had always been a source of profit to the people of Portland, and more business has been done in that direction than in any other port on the continent in proportion to its population. The Duke de la Rochefoucault, in his "Travels through the United States of North America and Canada, in 1795 and 1797," thus speaks of the commerce of the place at that time: "The trade of Portland is carried on in seventy ships of various burthens, all belonging to the town. Many of them sail to Europe, though oftener to the Antilles. About twenty are engaged in the fishing of cod, which are taken among the islands at the mouth of the bay." The total tonnage in 1795 was about fourteen thousand, and this gradually increased till 1807, until it reached about forty thousand.

In 1802 the commonwealth was enjoying universal prosperity. Our ships were

\* Willis' History of Portland, p. 577.

visiting every part of the world and bringing home products of every country, and the fisheries were also flourishing. In 1806, during the war between Great Britain and France, we endeavored to maintain a neutral policy, but our flag was treated with insult and abuse. The impressment of our seamen by the English was the greatest cause of complaint, and Congress, in April, prohibited the importation into this country from Great Britain of all paper, nails, hats and clothing, beer, ale, porter, woolen hosiery, glass, silver and plated wares, and all articles manufactured of leather, silk, tin and brass. The Embargo Act of 1807 followed upon all the shipping in the different ports of the United States. This policy, which has been called the first part of the "restrictive system," was opposed by the Federalists as ruinous to our commerce and shipping, and so it proved. The effect on the commerce of Portland may be cited as an example of the results upon the other ports of Maine. All the vessels there employed in the freighting business, fisheries, and transportation of lumber abroad, were deprived of employment and laid up to decay. In the two years following 1807 the tonnage of the port fell off nine thousand tons, and the duties from \$342,000 to \$41,000. Eleven commercial houses stopped payment in the latter part of 1807, and among them the largest ship owners. These were followed the next year by a multitude of others. Great distress prevailed throughout the community, and most of the laboring classes were deprived of work. So entirely paralyzed was commercial business that the grass literally grew upon the wharves.

In 1809 Congress passed the non-intercourse act which so far repealed the embargo act, passed fourteen months before, as to permit the departure of our merchant vessels to all other countries than the two expressly mentioned. An extensive commerce was soon opened between us and Holland, Spain, Italy, Naples, and other European countries, and our coasting trade was entirely relieved from embarrassment. Large quantities of lumber, fuel, lime, and fish were transported coastwise, from Maine to Boston and other places. In 1810 the total exports of Maine were valued at \$803,619, exclusive of the coast trade, and the aggregate shipping was 141,057 tons.

The reviving commerce of Maine received a second disastrous blow, however, two years later, from the general embargo, for ninety days, on all the vessels in the United States, declared by Congress, April 4, 1812, and the ensuing war with Great Britain. Both nations authorized privateering, and its evil effects were fully experienced by us along our eastern coasts and among the islands. Foreign voyages were too hazardous to be thought of, and even the enterprises of fishermen and coasters were checked, several sloops or schooners being taken, plundered, or burnt. Those finding no employment for their vessels drew them up and dismantled them. Shipping sank to half its former value. Articles of importation, not even excepting flour and bread-stuffs, in this eastern region, commanded an extravagant price. Living was expensive, and sometimes, among the poor, quite difficult. The rapid fluctuation in the prices of foreign articles imported gave rise to universal speculation, and fortunes were made and lost in a day. March 30, 1814, Congress repealed all the restrictive laws which had been passed, but this had no essential effect upon our commerce, since our seaboard was infested with British cruisers, and the whole of our Atlantic coast blockaded.

February 11, 1815, peace was declared, and the long-harassed commerce of the country was at last freed from all restrictions and embarrassments. The business of ship building and lumbering revived extensively throughout Maine, and all vessels were in great demand. Also the cod fishery, which had always been regarded by the inhabitants as a valuable and productive enterprise, was soon resumed with



vigor. But as the article in the treaty between our country and England, regulating the eastern fisheries, had expired, their cruisers now seized upon all of our fishing vessels found in their waters, and this embarrassment was not removed till 1818, when our right to take fish from the waters of Newfoundland, and to cure and dry them upon the islands, was reconfirmed. Plaster, which had been extensively used by farmers in manuring their fields, and had been sold for more than \$30 per ton, fell in its price to half that sum, as soon as the transportation of articles from Nova Scotia was fully resumed. Heavy importations of European fabrics into this country were soon felt, and these had the effect of reducing their prices greatly in the market and of discouraging the home manufacturers, who could by no means afford to sell similar commodities at so low a rate to the traders. By 1820 the shipping in Maine aggregated 140,373 tons. The total value of exports from Maine in that year was \$1,041,148, and the exports coastwise, and therefore not registered, was between three and four times that amount. The imports of that year in foreign and American vessels were valued at \$980,294 with estimated coastwise imports amounting to \$3,000,000. The total amount of duties which accrued to the United States from Maine on merchandise, tonnage, passports and clearances was \$337,989.67.\* The aggregate registered, enrolled and licensed tonnage of the state for the five succeeding years was as follows: 1821, 139,972 tons; 1822, 146,291; 1823, 146,438; 1824, 161,492; 1825, 174,790. The state was at this time divided into twelve districts. Of these Portland led in amount of tonnage, with Bath and Waldoborough next. The amount of exports direct to foreign countries, in 1826, was upwards of \$1,524,000.† The value of the coasting exports for that year was estimated at upwards of six million dollars. The whole fishing tonnage of the United States from 1820-1826 amounted to an average of 63,987 tons annually, of which Maine alone furnished 12,326 tons, or about one-fifth of the whole. The average value of the fish taken annually during these years is estimated at \$470,987, and the annual exports of fish from this state to foreign countries at upwards of 288,000.‡ The number of seamen, including officers, employed in the entire commerce of the state at this time is estimated, on the average, as not far from 10,000,§ and the amount of capital invested in vessels and buildings devoted to commercial uses at about \$7,600,000.

An extensive trade with the West Indies began at Bath about 1820-1821, which employed a large fleet of brigs and schooners.|| These carried out cargoes consisting chiefly of lumber, and brought back cargoes of rum, molasses, and sugar. Bath became one of the chief markets for wholesale trade in these West India goods, second only to Portland, which had been largely engaged in the West India trade for many years. Besides long lumber, shooks, headings and hoop poles for cooperage, these vessels carried out dried fish, pork, beef, and among the return cargoes were raisins, oranges, lemons and fruits of West India growth, and also salt. Vessels were constantly coming and going, and employment was given to large numbers of native seamen. Sailors of foreign birth were rare at this period. So lively was commercial business at Bath that vessels were at times compelled to anchor in the river for weeks waiting for berths at the wharves.¶

In 1626, however, England closed her West India ports against trade with the United States, since English vessels were virtually excluded from our ports by the discrimination of our maritime laws against them. Accordingly, Martin Van Buren, then secretary of state under Jackson's administration, instructed our minister to

\* Williamson, Vol. II., appendix.

† Greenleaf's "Survey of Me," 1829, pp. 220-225.

‡ Greenleaf's "Survey of Me," 1829, p. 246, 252, 254.

§ Greenleaf's "Survey," 1829, p.

|| History of Bath, Maine (Reed), p. 149.

¶ History of Bath (Reed), p. 149.

England, Mr. Dallas, to negotiate a treaty granting British vessels the right to enter our ports on the same terms that American vessels were admitted to her West India ports. England secured a proviso in the treaty to the effect that the regulations of this commerce should be left to the authorities of those islands. The result was that we were caught in a trap, since a duty of six dollars a thousand was placed by the authorities upon lumber brought from American ports and none on that from English ports. Our chief export to the islands was lumber, and the English controlled the market there.

When California first came into prominence, navigation around Cape Horn and the Pacific Ocean business required first-class sailing ships of large tonnage, known as clipper ships, of which Bath furnished a large number. From 1802 to 1879 also Bath ships had almost a monopoly of the immense cotton-carrying trade from New Orleans and other southern ports. These ships were specially constructed, so as to be able to pass over the sand bars at the mouth of the Mississippi River. But in 1879 this trade was lost in consequence of the deepening of the channel by the construction of jetties, thus letting in the large English steamers and cutting off the freighting business of New Orleans from sailing vessels. The East India, China and Japan freighting business, in a measure, took the place of the cotton-carrying trade, but never with the same certainty of continuous recompense. On the decline of the cotton trade the freighting of guano from the Chincha Islands also furnished extensive employment to Bath ships for several years. The fertilizer was brought from the islands to our southern ports and to Europe. This trade was extremely profitable while it lasted, but the supply decreased, and England obtained control of the islands, so that it soon ceased.

On account of Bath's ship-building interests, the greatest amount of tonnage of any one district in the state has usually hailed from there. But, as has been seen, a very large proportion of the tonnage of Bath is in freighting ships which seldom return home. In 1854, at the height of Bath's prosperity in ship-building, the whole amount of tonnage entered from foreign ports was only 6,981 tons, scarcely equalling the aggregate tonnage of five of her first-class carrying-ships. And, in 1895, the total imports entered at the Bath district amounted only to \$32,538, and the exports to only \$836. In 1854, seven-eighths of all the foreign business done in the state was transacted through the Portland custom house.

The total registered and enrolled tonnage of Portland in 1820 was 32,066 tons. By 1864 it had increased to 99,506, thus trebling itself during these years, and by 1877 it had reached the amount of 126,011 tons, or nearly four times as much as in 1820. The chief articles of export during these years were lumber and cooperage-stock, and the imports consisted mainly of molasses, sugar and salt. In 1846 the total foreign imports of Portland amounted to \$454,226,—exports \$595,925. In 1851 the imports were \$952,347,—exports, \$716,868. In 1854, imports \$3,124,676,—exports \$3,111,340. This great increase in 1854 was due to the establishment of lines of steamships from England to this port. In 1857 the imports and exports were somewhat over two millions each. At the beginning of the war, as in the case of the tonnage, they declined somewhat, but increased again in 1862, and continued at about an average of \$3,000,000 of imports and \$5,000,000 of exports during the remainder of the war. But, in 1865, at the close of the war, they rose at once to something over \$7,000,000, and, by 1868, the imports stood at \$16,357,945, and the exports at \$9,948,212. The height of the commercial prosperity of Portland seems to have been reached in the year 1874, so far as imports and exports were concerned. In that year the total imports amounted to \$25,922,966, and the exports to \$26,665,-

646. Since that time the amount of imports and exports has steadily declined till in 1895 the total imports of the district of Portland and Falmouth amounted to only \$429,900, and the exports to \$1,978,109. These last figures, however, do not show the actual commerce of Portland to-day so as to form a fair basis of comparison with the other figures, since a large portion of the commerce of the city is entered at Island Pond, Vermont, and credited to that custom house instead of the Portland district.

In 1830, the total tonnage owned in Maine was about one hundred thousand tons. By 1848, the tonnage had increased to four hundred fifty-two thousand, three hundred and twenty-one tons, and Maine ranked as the third state in the Union in this respect, owning at that time more tonnage than was owned in the whole United States in 1790. In 1850, the total tonnage of Maine was five hundred and one thousand, four hundred and thirty-two tons, the total exports were \$1,556,912 and the imports \$856,411. By 1860, the tonnage had increased to eight hundred and one thousand, nine hundred and forty-one tons, the exports to \$3,669,555 and the imports to \$1,716,075. The commerce of the state, as a whole, so far as shown by tonnage, exports and imports, does not seem to have suffered severely from the war. Exports increased largely and steadily all through the war. Imports, exports and tonnage increased in 1862, but after that declined somewhat. By 1870, the tonnage of the state had declined to three hundred, ninety-four thousand and four tons, though Maine was still third in the Union in this particular; and in 1880, it was five hundred and eight thousand, seven hundred and twenty-nine tons; in 1890, three hundred and seventy-three thousand, nine hundred and twenty-nine tons, according to the reports of the Bureau of Commerce and Navigation; and in 1896, according to the annual report of the state assessors, the total shipping of Maine amounted to only one hundred and ninety-seven thousand and twenty-two tons, valued at \$2,531,693. It is possible, however, that some of the tonnage may have escaped the notice of the assessors, and that this report may not furnish a fair basis for comparison with that of the Bureau of Commerce for preceding years. The assessed valuation, of course, is from ten to twenty per cent. less than the actual value. According to this report of the assessors, Portland leads, with a shipping valuation of \$609,100, followed by Bath, with a valuation of \$482,711, and Thomaston, with \$165,631.

The total amount of the imports and exports of the state of Maine, direct from here to foreign ports, for the year ending June 30, 1895, is shown by custom districts in the following table, which is taken from the official report on the commerce and navigation of the United States for that year:

DISTRICTS.	IMPORTS.	EXPORTS.
Portland and Falmouth . . . . .	\$ 429,900	\$1,978,109
Bangor . . . . .	1,043,634	1,104,246
Passamaquoddy . . . . .	684,102	179,496
Aroostook . . . . .	131,062	
Waldoboro . . . . .	57,911	1,190
Bath . . . . .	32,538	836
Belfast . . . . .	19,933	3,282
Machias . . . . .	4,753	15,580
Wiscasset . . . . .	12,858	6,968
Castine . . . . .	3,131	257
Frenchman's Bay . . . . .	709	
Saco . . . . .	441	
Total . . . . .	\$2,420,972	\$3,290,064



It will be noticed that the Portland and Falmouth district leads as to the total amount of business, imports and exports combined, and also as to exports alone with the Bangor district second in each instance, except as to imports of which it has by far the largest amount.

The following is a list, compiled from the same source, of the principal articles of domestic export from Maine direct to foreign countries, and the value of the amounts so exported, for the year ending June 30, 1895. No article of export has been included where the aggregate value of the amount exported was less than \$5000.

Agricultural implements . . . . .	\$5,286
Animals, principally cattle . . . . .	59,335
Books and printed matter . . . . .	31,008
Brass, manufactures of . . . . .	6,072
Bread stuffs:	
Corn . . . . .	731,512
Wheat . . . . .	22,692
Wheat flour . . . . .	159,409
Carriages . . . . .	23,416
Chemicals, drugs, dyes and medicines . . . . .	20,683
Cotton, manufactures of . . . . .	434,987
Fish of all kinds, fresh, smoked, cured, canned, and also shell fish . . . . .	6,529
Fruits and nuts (chiefly apples) . . . . .	215,208
Furs and fur skins . . . . .	5,622
Glassware . . . . .	11,378
Grease . . . . .	87,811
Hides and skins . . . . .	30,143
Ice . . . . .	14,463
India rubber and gutta percha, manufactures of . . . . .	6,533
Iron and steel, manufactures of . . . . .	152,367
Jewelry and manufactures of gold and silver . . . . .	18,378
Lamps and chandeliers . . . . .	7,942
Leather and manufactures of . . . . .	13,809
Musical instruments . . . . .	6,637
Naval stores . . . . .	10,016
Notions . . . . .	5,856
Oil . . . . .	18,365
Paper and manufactures of . . . . .	8,324
Paraffin and paraffin wax . . . . .	752,345
Provisions, meat and dairy products . . . . .	757,450
Wood and manufactures of, chiefly boards and shooks . . . . .	693,199

It will be noticed that many of the distinctive and leading industries of Maine are not largely represented in this list of exports direct to foreign countries. Only \$14,463 worth of ice appears to have been exported to foreign ports. The fisheries are represented by only \$6,529 worth of exports; and the exports of granite and lime were merely nominal—so small that they were not included in the list. The explanation of this lies in the fact that our markets for the products of these industries are found almost entirely through our coastwise and inter-state commerce.

It will be interesting to make a brief survey here of the present status of the

leading industries of Maine so far as they enter into the commerce of the state. It will be seen by the above list that the foreign exports of lumber are extensive. The importance of Maine's lumber industry will be perceived from the following figures. The cut for the last two winters was much below the average, therefore it will be best to take the figures of the previous winter of 1893. The total cut of logs for that year amounted to 849,581,398 feet. Of this amount 573,812,627 feet were spruce, 107,330,822 feet were pine, about 100,000,000 hemlock, about 61,000,000 cedar and 7,000,000 hard wood. Maine's wealth of hard wood, already receiving considerable attention, is destined to be much better appreciated. The birch is in great demand for shipment to Scotland for purposes of spool-wood, while beech is wanted in large quantities to be converted into orange shooks for Florida and the Mediterranean ports. Bangor has been at all times Maine's leading lumber market and from the early days down to the present time there has been surveyed in that port in the aggregate nearly ten billion feet of lumber. The most prosperous days of lumbering are gone, and yet it will for all time continue one of Maine's most important industries.

The fisheries, as we have seen, were among the pioneer industries of the state, and have through all these years been an important source of income, giving employment to a numerous and hardy class. There are enrolled in the custom districts of the state four hundred and thirty-seven vessels, which are exclusively engaged in the fisheries, and in addition there are employed in shore fisheries more than six thousand fishing boats, with a valuation of not less than \$500,000. The sea and shore fisheries of the state combined give employment to upwards of ten thousand people and involve an investment in apparatus and capital of \$3,000,000. The Maine fisheries are surpassed in magnitude by only one state in the Union, namely Massachusetts.

One of the distinctive industries of Maine is the cutting and harvesting of ice. The business originated on the Kennebec river, where shipments were made in a small way some sixty years ago. The Penobscot in turn became also an important ice-harvesting region as well as numerous lakes and ponds near the coast. The business steadily increased till 1890, which proved to be the banner year for this state. In that year the Hudson river and the South failed to yield a single ton, and very little was cut in the vicinity of Boston. The excitement throughout Maine was intense and ice was housed in places never before attempted, and the harvest aggregated the immense amount of three millions, ninety-two thousand, four hundred tons. The market, however, did not prove what was expected, and where a few gained many lost. Although artificial ice is coming into use to a considerable extent through the South, the indications are that there will be a steadily increasing demand for Maine ice for the future. The chief market for Maine ice crops is in the South, transported for the most part by coasting vessels.

One of the industries for which Maine is noted, and which has been most conducive to its commercial success, is that of shipbuilding. In this Maine ranks as the first state in the Union. In 1890, the new tonnage from the Maine shipyards aggregated one hundred and twenty-five vessels, making a total of 74,467 tons. This, however, was unusually large for recent years. In 1894 the industry, borne down by the general industrial depression throughout the country, declined to 18,692 tons, the tonnage for 1895 being still less. The great majority of the vessels constructed in the past were built for sale, and many thousands of tonnage have been sold from Bath shipyards to purchasers in England and other states. The era of the clipper-ship is gone, and the great majority of vessels now built are of schooner-rig. Domes-

tic or coastwise commerce flourishes, and Maine vessels continue to predominate in this field, but even here the railroads with their large locomotives are dangerous competitors. In the foreign trade the American vessels have been supplanted largely by the English tramp steamers and steam-tugs with barges. The best days of wooden shipbuilding are gone, but the recent products of Bath plants have given Maine high rank in steel shipbuilding as well.

Maine also takes first rank among her sister states in the annual value of her lime output. The limestone deposits are found chiefly in Knox county. In 1890 there were sixty quarries, having an annual output of 1,903,639 barrels. Maine has, at present, a formidable competitor in the Maritime provinces, but under favorable conditions we can hold our own in the markets of the world. As has been seen, very little Maine lime goes direct to foreign ports.

Maine granite is also in great demand, and many public buildings and business structures throughout the country are built of this material. It finds a large market particularly in New York. It is found in numerous varieties, white, gray, dark, and red. In 1890 the number of quarries in Maine was one hundred and fifty-three, with a total output per annum of 6,701,346 cubic feet, aggregating \$2,225,839 in value. This is a field in which Maine can satisfactorily compete with the world.

Agricultural products, such as grain and flour, meat, dairy products, and apples, are well represented in the list of exports to foreign countries. Most of the meat, however, is in the form of bacon, and is credited to Portland in transit from Cincinnati and Chicago. So with the grain and flour, and also with paraffin and paraffin-wax, which last appears as one of the largest single items of our domestic exports. Maine's hay crop is almost always large, and exceeds in value the grain crops of states of like population, in the west. The potato crop is also an important feature, amounting, in 1895, to about 11,000,000 bushels. This business is largely carried on in Aroostook, where starch factories consume about 3,000,000 potatoes annually. Maine's orchard products are rapidly increasing in value. Of late years a large foreign demand for apples has grown up, and during the shipping seasons of 1894-1895 upwards of 900,000 barrels of apples were shipped to England from the ports of Portland, Boston, and New York.

Another industry which has grown into importance of late years is the canning business. Maine easily leads all other states in the volume of her corn pack. Another important branch of the industry is putting up sardines. The goods find a market chiefly in the West and South, and one Portland house exports largely to Paris.

Textile fabrics make large items in the foreign exports of the state. The products of our paper and pulp mills, so recently and extensively developed, also appear in the list, as well as the products of the tanneries and boots and shoes, all of which are important and growing industries in the state, but these last find their chief demand in the domestic markets of our own states.

The exact amount of the coastwise and interstate commerce of Maine is of necessity an unknown quantity, and must remain so unless the state establishes a bureau of general statistics, which shall make this topic a subject of careful research, and even then their task would be a complicated one. At present it can only be estimated. In the early days of the commerce of the state such estimates were attempted, but they partook more of the nature of guesswork than calculation, and are wholly unsatisfactory. It has seemed best to give the tonnage of the state, the official figures of the domestic exports of the state to foreign countries, and the nature and amount of the products of Maine's leading industries, together with their principal



markets,—trusting that this will give a fairly adequate conception of the present status of Maine's commercial interests, and that some idea has been gained in the previous pages, of the origin and development of the commerce of the state, from the early fishing and fur trade of the first settlers down to modern times. 'Maine's great wealth of natural resources ; its wide extent of seaboard and good harbors ; the training and tendencies of its inhabitants, and its extensive ship-building interests,—have made it in the past, and will continue to make it in the future, one of the leading commercial states in the Union.



## CHAPTER CV.

### THE LUMBER INDUSTRY OF THE STATE OF MAINE.

BY SAMUEL H. BOARDMAN.

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THE state of Maine is naturally a timber-growing region. There is very little area within its borders that has not at some time been covered with forest growth. The lumber industry is one of the most important of the commercial pursuits, and gives employment and means of livelihood to more people than any other resource of the state. From the time the growing tree is severed from the stump in the forest until the manufactured lumber is aboard the cars or vessels which are to bear it to the markets of New England or New York, the labor required is very great and no industry so directly affects such a large class of people. The indirect result of a business of such magnitude is hard to estimate, but it is safe to say that no one in any active kind of business in our state is wholly independent of the lumber industry.

At least once in four years we hear a political saying, that "as Maine goes, so goes the Union," and locally, we can probably more truthfully say, as goes the lumber, so goes everything else. The merchant finds his business good or bad; the capitalist, except his money be wholly invested outside the state, which is very seldom the case with a Maine man, finds worry or peace of mind; the farmer finds good or poor markets for his farm products, and incidentally employment or inactivity for his teams during a time of year when he can do no profitable work upon his farm, and the laboring man finds either employment at fair wages or a hard chance to earn a living; all in accordance with the good or bad condition of the lumber market.

A fraction of more than one in five of all the voters, numerically considered, are occupied in the production of lumber and its transportation. An average of thirty thousand men find labor each winter in the forests of Maine.

Nature very abundantly supplied us with lakes, streams and rivers. There are within the state about one thousand six hundred lakes, covering two thousand three hundred square miles or one million, four hundred and seventy-two thousand acres, at a mean elevation of six hundred feet above the sea. The water from this reservoir, in finding its way to the ocean, furnishes us in river water-powers, according to Prof. Walter Wells, six million six hundred thousand horse-power, and from this figure it is estimated that the concentrated water-powers of Maine would do the work of eighty million men, working ten hours per day. Only a small percentage of this power is utilized. The same kindly "Dame Nature" was, however, rather partial in the allotment of territory by the different river systems, bestowing upon the Penobscot eight thousand two hundred squares miles; upon the St. John (in

Maine), seven thousand four hundred square miles ; upon the Kennebec, five thousand eight hundred square miles ; the Androscoggin, two thousand seven hundred and fifty square miles ; the Saco and St. Croix, about eight hundred square miles each.

The forest area of Maine at the present time is about thirteen million five hundred and sixty-eight thousand acres, which is more than two-thirds of the entire forest area in New England, and which would cover an extent seven times as large as the celebrated Black Forest in Germany. Maine has the largest percentage of forest of any state in the Union.

The first timber land grant of any particular importance in Maine was made by the Council of Plymouth, England, in 1630, and was known as the "Muscongus Patent," and embraced all "the land between the Muscongus and Penobscot rivers from the seaboard to an unsurveyed line running east and west and so far north as would, without interfering with any other patent, embrace a territory of thirty miles square." Later this land passed into the hands of Samuel Waldo, and has since been known as the "Waldo Patent." About the same time another large grant was made by the Plymouth Company of land upon the Kennebec river. Various grants were made of smaller tracts, but the land-grants of the greatest importance, and of which we hear most, were made in 1793 to William Bingham.

At the close of the Revolutionary War Massachusetts was in debt \$5,000,000, and her proportion of the national debt was supposed to be nearly as much. There was no revenue except from the direct tax, which was oppressive, unpopular and not easily collected. Governor Hancock called the attention of the General Court to the eastern lands as a source of revenue, and in 1783 a land office was established and a commissioner appointed to look after the lands and inquire into trespasses and encroachments. Surveys were ordered of all unsurveyed land east of the Penobscot and also on the west side, above the "Waldo Grant."

Land was offered to actual settlers in lots of one hundred and fifty acres for \$1 an acre, but these inducements and offers did not replenish the treasury of the state, consequently a land lottery was proposed, and November 9, 1786, an act was passed entitled, "An act to bring into the public treasury the sum of £163,200 in public securities, by sale of a part of the eastern land and to establish a lottery for that purpose." The act provided for the selling by lottery of fifty townships of land six miles square each, containing one million one hundred and seven thousand three hundred and ninety-six acres, situated in what is now Hancock and Washington Counties between the Penobscot and St. Croix rivers.

There were in the lottery one thousand nine hundred and thirty-nine tickets which were to be sold for £60 each. Up to the time of the drawing, October 12, 1787, four hundred and thirty-seven tickets had been sold to about one hundred different persons. At this time General Henry Knox was Secretary of War, and through his connection with a commission appointed by the Governor of Massachusetts to ascertain which was the true River St. Croix named in the treaty in 1783, as the boundary line of the United States, General Knox had visited Maine and become much interested in eastern lands. He entered upon the scheme for the purchase of the largest tract or tracts of land ever sold by the state at one time. Not having the requisite money he made an agreement with General Henry Jackson, of Boston, and Royal Flint, of New York, to assist in the purchase. Later, General Knox induced William Bingham, a very wealthy Philadelphian, to engage in this enterprise, and as a result of his engineering the state of Massachusetts decided in 1793 two million one hundred and seven thousand three hundred and ninety-six acres of land for 12½ cents per acre. William Bingham later bought up the tickets



of the lottery, so that his ownership in the tract of land originally surveyed for the lottery became absolute. This included what is now known as Bingham's Penobscot purchase, which embraces the land heretofore mentioned, lying between the Penobscot and St. Croix rivers, and Bingham's Kennebec purchase in what is now Somerset and Piscataquis counties.

Massachusetts in her possessory rights to the district of Maine was rich—richer than she knew—in lands, but very poor in all else relating to this world's goods. Whenever state aid was asked by any academy, school, college, or any other public enterprise, the common way of satisfying the request was by means of a land-grant, which in most cases was at once sold for what it would bring by the recipient of the gift. Actual settlers were offered lots of two hundred acres each, prior to 1784, and one hundred acres subsequent to that date under certain conditions of settlement.

In 1801 Massachusetts "resolved" in favor of a grant of two hundred acres of land in the district of Maine, to each non-commissioned officer or soldier who served three years in the Revolutionary War.

Maine became a state in 1820, and in 1835-36 and 38 made additional resolves extending the time and otherwise changing the conditions of the original resolve in favor of Revolutionary soldiers.

Thus it is that our map shows Bowdoin College as located on Pleasant river, above the Katahdin Iron Works, revolutionary soldiers as owning a town on the south branch of the Penobscot, near the Canadian border, and the Middlesex canal, Day's Academy, and Taunton and Raynham's Academies nestling on the shores of Moosehead Lake.

The entire state has been surveyed into townships, which generally are about six miles square and consequently contain about twenty-three thousand acres each. Absolute accuracy of measurement is rarely attained in woods' surveying, as it is necessary in running a line to cut a path along which to measure, and the compass is no respecter of persons, taking the surveyor and his crew into all sorts of places; over the sides of perpendicular cliffs, across rugged and irregular mountains and through densely-wooded cedar swamps, while streams, lakes and rivers often have to be measured. All the means of sustenance as well as the necessary surveying instruments have to be carried on the backs of the men, and it is not to be expected that the same care and accuracy will result as is found in city or railroad surveying.

The line in the woods is marked by a succession of spots or "blazes" upon the sides of trees, standing on or near the true line; the spots facing in the direction in which the line runs, being cut at about the same height on both sides of the tree. The corners are marked by stakes, stones and "witness trees," so called, which are trees standing all about the corner with spots freely "blazed" upon the side standing toward the corner stake. In this manner is the dividing line between one township and another marked; in many towns interior lines have been run and mark the boundaries of separate ownership.

The state as well as the Bingham heirs has sold about all of its timber land and the ownership has become scattered, very few townships being owned at the present time by one party, and the fractional undivided ownership in some tracts being very complicated.

The values of timber lands have not been subjected to the changes that one would naturally expect in the fortunes of the lumber business, but probably fewer lands appear upon the market for sale each year, as this class of property is owned largely by persons who do not feel the fluctuations of the market, and can afford to await better times when things are dull.

To show that the values of timber lands have not been free from uncertainty, I would relate two little instances which are known to me regarding values in the crazy days of 1832 to 1836, when the mania of speculation was rife, and these will serve to show that there is no absolute rule to apply to all land: Two men well known on the Penobscot River, sold a township of land on the lower West Branch to one John Doggett, of Boston, at \$1.50 per acre. Doggett feeling that he had been swindled, brought suit in the United States court for fraud and obtained a verdict. The case was appealed, the Supreme Court sustained the former verdict and the money was repaid. This land when cut a few years later yielded over \$3 per acre, probably has paid fairly well ever since and is now worth the original price.

In the other case there was a land company which "boomed" a town in the neighborhood of Bangor. The land was valued at \$10 per acre and estimated to yield 10,000 feet of pine and 10,000 feet of spruce, hemlock and juniper per acre. It was sold on this basis, and since then a part of this land has been sold at fifty cents an acre; notwithstanding that the market for pulp-wood makes a tract as handily situated as this one is, of considerable value.

No controlling interest is acquired in land by majority ownership, but a legal partition can be had if owners in a tract fail to agree. Usually, some one of the owners of the land takes the lead in management, and what is called a "permit" is granted to the prospective operator. This is a license to go upon the land and cut logs of various kinds at an agreed-upon price "per thousand feet board-measure," which is supposed to mean a quantity of logs sufficient to saw out one thousand feet of boards, one inch in thickness, but which, upon every river in our state, means a different quantity which is governed by custom rather than measurement.

On the Androscoggin and St. Croix rivers a large part of the timber land is owned by the lumber manufacturers or pulp-mill owners, and, in such cases, the policy of cutting and methods of scaling are not susceptible to the stretching which they are likely to suffer upon those rivers where the land is owned by one party who "permits" to another who hauls the logs and pays stumpage with the hope of a profit in a sale to a third party, who is the manufacturer.

As early as 1631 the cutting of timber was engaged in, and probably the first export of manufactured lumber from the United States was in 1634, and from Maine. On the 18th of July of this year, the ship "Pied Cowe" arrived in the Piscataqua, having on board two saw-mills and a party of carpenters to set them up. After discharging her cargo at Newichawannock, which is now South Berwick, she was partially loaded on this river with "cloave" boards and "pipe-staves;" the former being hand-made pine clap-boards; the latter, staves for hogsheads hewn from oak. The balance of the cargo was shipped from somewhere near Saco. In 1634-5 several cargoes of pine masts were taken from the St. George river to England by vessels returning. A trading post, located on the present site of Thomaston, being the point where the vessels loaded.

The southwestern part of the state of Maine was richly covered with a heavy growth of pine. In the early days pine was about the only timber considered to be of any value; in fact, it was not until well into the nineteenth century that spruce began to be cut, while the whole state, prior to this time, had been gone over for the old-growth pine, and the remotest places visited by the lumberman with his six ox-team, and days spent in getting one tree to the water.

In reading the original explorations made of different townships and tracts of land, it is curious to note that the first item is always as to the soil for farming purposes; the stand of pine upon these lands being mentioned as a secondary matter, spruce, cedar and hard woods being entirely ignored.

Kittery, which formerly included Elliott, Berwick and South Berwick, was in 1682 the most important lumber-producing place in the province of Maine; having six of the twenty-four saws then in existence. With the settlement along the Maine coast eastward, the number of mills increased.

Prior to the Revolutionary War there was a tide-mill at Bucksport, which was built by Jonathan Buck and burned by the British when they ascended the Penobscot river in 1779. The first mill upon the Penobscot, however, was a tide-mill, located at Sandy Point, and this suffered the same fate as the Buck mill. These mills were located at tide-water, and the incoming tide filled the mill-pond; at high tide the gates of the dam or lock were closed, and the water, being released as the tide fell, furnished the power.

Maine is called the Pine Tree State. To-day, that is something of a misnomer, unless one considers the pine cone as emblematical of all forest growth. If naming the state to-day, it would be more appropriate to call it the Spruce Tree State, as the bulk of our forest-stand, as well as the majority of trees cut for market, is spruce, and except as hereafter mentioned, the pine industry is largely a thing of the past.

In the progress of the lumber business great changes have been wrought in the methods both of securing the logs and in manufacturing the lumber. Our seasons remain about the same and the winter is necessarily the time for the woods' work, as the swamps, brooks and ponds being frozen, can then be crossed, and the snow covers the rough places and makes feasible a road, which in the summer-time would be almost impassable for a team, and quite impossible for a loaded team to travel.

Since the state of Maine has become such a game resort, it seems almost unnecessary to describe woods' life, as many visit the state each year in quest of fish or game, and in their wanderings see much of the old haunts and present modes of the lumberman.

During the spring, summer and autumn of 1896 more than fifty thousand persons came into Maine to fish, to hunt or enjoy our fine scenery; and of the fifteen hundred men who make a business of guiding during these seasons, a large part find some sort of employment in connection with the lumber industry during the winter. This vast throng which roams at will through our forests is capable of proving an important factor in the lumber business, residing, as many do, in the home of the spruce and pine at a time when a little carelessness on their part with camp-fire would mean a serious loss, not only to the individual owner of the land, but to the people of the state. Millions and millions of dollars worth of timber has been destroyed by fire, and as the more extended cutting leaves the ground more thickly covered with dry tops, much greater watchfulness is necessary that fire shall not be allowed to start.

The first thing to do in a lumber operation is to explore and locate the camp. This work is usually done in the summer, and the explorer, if he knows his business well, plans how he can best and cheapest get the standing trees into logs and to market. The topography of the region, the quality and location of the standing timber and the character of the streams and brooks, all play an important part in his decision. He locates the main roads over which the teams can haul the largest loads, and plans to have as few as possible to keep open during the winter; selects a suitable camping place where there is a good supply of spring-water for the horses and men, and generally decides in his mind how he will go to work.

The first thing to be done is the cutting of a supply-road, or, in the woods' phraseology, "swamping a tote-road," and the hauling of sufficient supplies to feed the men while they are building the camp, which is constructed from logs. In the



old-fashioned logging-camp a huge hole was left in the roof, and a large, open fire kept roaring in the middle of the camp, the snow and rain beating down upon it, and some member of the crew being obliged to tend the fire all night to keep the others from freezing. The modern camp is much to be preferred, and in structure does not differ much from a one-story cabin, with the outside walls about six feet high and a gently sloping roof, the ridge-pole being, perhaps, ten to twelve feet from the ground. The material for roof-covering differs accordingly to the remoteness from civilization—hemlock bark, "cedar splits" (which are short cedar boards made by hand from straight-grained cedar) and boughs are often substituted for boards, and tarred paper is used in many cases. The cracks between the logs are "chincked" with moss to keep out the cold, and the floor is made from timber hewn from small trees where boards are scarce. The stable for the horses is more roughly made, but is built to be warm as possible, and is called the "hovel."

After getting settled in quarters, the head man "spots" out his roads and yards, and the men are set to swamping out the road and cutting down the trees. Those which are a short distance from the water where they are to be landed are hauled at once, a single sled being used, and the butt-end of the log being chained to the bunk, the top end dragging on the ground.

Only a small load can be moved in this manner, and this method can be employed to a profit only in places where the haul is comparatively short. Where the handy timber has been cut and the haul thereby made longer, it is usually the custom to yard the logs; that is, to cut them and drag them together into piles which are upon the main road, these yards being so arranged that the logs may be easily rolled from them on to wagon sleds, which are used after the snow comes, and upon which a pair of horses can haul a large load on a good road.

The crews consist of "swampers," whose work it is to cut the roads for the teams to the tree; "sled tender" who helps load; "teamster" and "choppers," and in most operations, a "landing" man is employed. It is his duty to mark with an axe all the logs hauled with some distinguishing mark, among which "crosses," "notches," "girdles," "diamonds," "squares," and various letters of the alphabet are combined to make a clear and easily distinguished mark.

In some locations, the practice of sawing down is prevalent, and this certainly saves the best part of the tree, which is wasted in the old method of chopping.

On the spring freshet the logs are driven down the stream and floated to the mills. At convenient places the logs are sorted and each mark is rafted by itself. On nearly every river there is a corporation which sorts and rafts logs under charter from the state, and delivers them at a point where they can be readily taken by the manufacturer to his mill.

With the progress of lumbering the operators have been obliged to go to places more and more remote. Streams and brooks have been cleared of rocks to make easier the passage of logs, dams have been built in all sorts of places where a reservoir could thus be created to hold a head of water to be turned out to help float the logs over some particularly bad place in the stream or river, and steamboats have been put upon many of the larger lakes to tow the logs across.

The "toll dam," while seriously objected to by some, has furnished a method as fair as could be devised for the improvement of driving. The "modus operandi" is the building of dams and clearing of streams by blasting rocks and cutting bushes, which work is done under a charter from the state, which stipulates that when there shall have been received from tolls charged, at a specified rate per thousand feet, upon all logs passing over the dam or having the benefit of the improved driving facilities, a sum sufficient to reimburse for the original outlay, expenses and interest,

that the tolls shall be reduced to a sum which will keep the improvements in proper repair.

Human selfishness is a quality which is one of the elements of the "make-up" of the lumberman as well as of other mortals, and in the common use of drivable brooks, there is abundant opportunity for one man to take advantage of another if so disposed.

The lumber business upon the Saco and Piscataqua rivers has been followed one way or another, probably without much interruption, from the early days of 1631 to the present time. In 1772, it is said, a few persons for the first time ascended the Saco river as far as Fryeburg in quest of timber, and finding an abundance, turned the attention of the mill-men to that region for their future supply. Before the year 1800, seventeen saws were in operation above the falls.

The early market, after mills were erected, was with foreign ports; a large business was at one time done with the West Indies, clear boards made from pine being shipped. Later the pine was made into sugar-box shooks and "heading." Now all of the pine used is of second growth.

The soil in this portion of the state is remarkably well-adapted to the rapid growth of pine. Matched and planed boards, and box-boards are made; the annual output of logs from the river being in the neighborhood of thirty million feet, of which, it is safe to say, five-sixths is pine. On the Great and Little Ossipee (tributary to the Saco river) there has been, and still is, considerable spruce and hemlock, but probably five million per year would cover all the spruce and hemlock cut on the Saco.

At Saco there is a great deal of pine sawed at the mills of the Saco River Lumber Company, into blocks, which are shipped to the Portland Star Match Company, where the pine is steamed and made into matches. The match works of this company consume eight million feet of pine per year.

Among the former manufacturers to own and operate this plant at Saco, which is the largest on the river, were Thomas Cutts, who originally built the mill, Joseph Hobson & Son, and E. S. Hamlin.

The other lumber firms upon the river sawing for export are Charles McKenney and Page Box Company, at Bar Mills; A. K. P. Lord, at Buxton, and Frank Deering, at Saco.

On the Mousam river quite a manufacturing business is done, mainly by B. C. Jordan, who has mills at Alfred, Springvale, Shapleigh, and two at Kennebunk. The character of the business is about the same as upon the Saco, and the output probably about ten million annually. The Presumscot river originally had about the same sort of growth. The first mills upon this river were established by John Phillips somewhere from 1660 to 1670.

Saccarrappa, a village in the town of Westbrook, was long celebrated for its lumber business, which was begun in 1829 by Benjamin Ingersoll and others. There is not a dam or falls upon the river, where, at some time, a mill has not been operated. John and Nathaniel Warren were among the pioneers on this river. Most of the city of Portland was built from this source, and there was quite an export trade in lumber, sugar-boxes and box-boards. At the present time the Warren Paper-Mill, said to be the largest in the world, is located upon the Presumscot, at Westbrook.

In 1850 there were fourteen saws on the Presumscot, and the output was about two million one hundred thousand feet, while at that time it was estimated that the timber supply was about exhausted. Prior to the Revolution the English navy was supplied with masts from the forests on the river, the best pine-trees being reserved

for that purpose and marked with a broad arrow, which indicated that they were not to be taken by the settlers for any other purpose. At the present time quite an export trade is carried on at Portland with South American ports, but the lumber is chiefly sawed in Canada and shipped to Portland by rail, there to be transferred to the vessels.

Regarding the Androscoggin river, I cannot do better than to quote from the admirable report made by Mr. Austin Carey, for the forest commissioner of Maine, in 1896. He says: "The headwaters of the Androscoggin is the chosen home of spruce. No other part of Maine ever had any such spruce stand, and probably no portion of New York or New England, as is found from here across northern New Hampshire. Only patches of timber elsewhere stand as thick as does the country here. The timber, too, is, much of it, of the finest quality and size. Brunswick was the centre of the early lumber business on the Androscoggin, and much of the early pine cut was sawed there. It was after 1850 that the bulk of the business was shifted up river. About 1852 mills were built at Lewiston, while at the same time the Grand Trunk extended to Berlin, N. H., and mills were located on the falls at that point. In 1852, also, dams were built on the lakes, and drives from the lake region, which, up to that time, had been small and uncertain, became regular and considerable in amount. But all this early lumber was pine. Pine was originally, on almost all the drainage, mixed with the spruce. Spruce, however, through all this upper region, was always the most abundant coniferous timber. It is only within forty years that spruce has been cut on the Androscoggin, while from as far up as the lakes no spruce was driven out till the first years of the war. The length and difficulty of the drive has saved the timber, and kept the river much behind the Kennebec, in the utilization of its lumber resources. Much of the cutting up to the present time has been on the New Hampshire side of the line. That portion of the Androscoggin drainage is indeed comparatively severely used, and hard cutting has extended about up to Parmacheenee lake on the Magalloway river. About the Rangeley lakes light cutting has been going on over accessible lands all the way along for thirty years. The Cup-suptuc and Kennebago, saved by the length and difficulty of the drive, have never been seriously cut into, and are now practically in their primeval condition. It thus appears that about half the Androscoggin spruce country is in its original condition."

The pulp mills require a large amount of spruce annually, probably as much as 125,000,000 feet, and logging by rail has been practiced upon the Androscoggin to quite an extent. "Carloads of logs have been hauled into Berlin which ran as high as forty sticks to the thousand." The spruce-cutting thus made being very clean and practically stripping the land.

The work of Mr. Carey was done for the purpose of furnishing an estimate of the resources of the forests, and thus far has been prosecuted upon the Androscoggin and Kennebec rivers only, and owing to the vastness of the territory, shortness of time allowed, and meagreness of funds available for the work, the spruce stand only has been studied and reported upon. It is to be earnestly hoped that this work may be continued and carried to other rivers, as it cannot fail to prove very useful to every one in any way connected with the lumber industry.

The long lumber sawed upon this river will average about 75,000,000 feet, and the saw-mills are at Gorham, Shelburne, and Berlin, N. H., and Rumford, Canton, Lisbon, Lewiston, Brunswick, and Topsham, Maine. E. Libby & Son, at Gorham, have a steam mill sawing about 10,000,000 feet of long lumber; the Wild River Lumber Company, at Shelburne, saw from 10 to 15,000,000 feet, and operate a logging railroad; The Berlin Mills Company, manufacture some 40,000,000, and Blan-



chard & Twitchell have a mill, which is about completed, at Rumford Falls, which will turn out 6 to 10,000,000 feet. At Canton probably about 2,000,000 feet are sawed; the annual cut for Lewiston is a variable amount, and the mills near the mouth of the river at Brunswick and Topsham—which receive much of their supply from the Kennebec river—saw about 1,500,000 feet.

The Sheepscot river has furnished considerable timber in the past, but manufacturing, except for local uses, is not practiced at the present time, the timber supply being virtually exhausted. The three masts for the frigate *Constitution*, “*Old Ironsides*,” were cut in Malta, now the town of Windsor, in 1776, and hauled into Sheepscot.

The Kennebec was first visited by adventurers in 1607, and a colony was attempted, but not successful. In 1754, Dr. Gardiner, a man vastly interested in colonization, obtained a grant of land and settled a few families at Gardinerston (now Gardiner), and soon had two saw-mills running. He also built a large sloop and kept it running to the Kennebec in summers and to the Sheepscot in winters. In 1793 Wiscasset was the only important place east of Portland, and was the seaport for the Kennebec region. Col. William Vaughan had a double saw-mill there, and shipped considerable pine lumber, rafting it down to the eddy, two miles below the mills, where it was loaded into vessels.

Missionary Paul Coffin, in his accounts of tours made in 1796 and 1798, mentions two saw-mills at Clinton, on the Sebasticook, and the three double saws of Timothy Hudson, on the Kennebec (probably at or near the present site of Waterville.) He also mentions mills on Sandy river, and three double saw-mills at Kendall’s Mills (now Fairfield), owned by Kendall and Colonel Dunton.

Prior to the Revolutionary War all the pine trees two feet and over in diameter, were reserved under penalty for the British navy, and at Bath there was a yard located near a cove called “*King’s Dock*,” where the pine was taken in large quantities and hewn into proper forms.

When the news of the battle of Lexington reached the region, the inhabitants of the surrounding country arose in a body, and the crew working in the “*King’s Dock*” yard took to their boats and fled, abandoning the region shortly after.

Mr. Carey says: “It is certain that of the great rivers of the state the Kennebec is that whose timber condition is most critical, the only one about whose immediate supply there has been any well-grounded doubt.”

Spruce began to be cut in 1850; prior to this nearly all the land on the river had been cut over for pine. “Most of the larger tributaries of the Kennebec run into it from the west. The larger tributaries on that side are, in their regular order up stream, the Sandy river, the Carrabasset, the Dead and the Moose rivers.” As the operators upon the Kennebec have seen their timber supply becoming more limited, because of the hard cutting and heavy forest fires, they have looked for some means of enlarging this resource; and the robbing of “*Peter*” (who, in this case, is the Penobscot river) will enable “*Paul*” to do a lumber business upon the Kennebec for a much longer time.

At Northwest Carry on Moosehead lake, a sluice, constructed of timber, enters the lake, and in the spring a volume of water, sufficient to float the largest logs, is caused to flow down this artificial channel, and logs which have been cut upon the north and south branches of the Penobscot river are “*sluiced*” into Moosehead lake, towed across the lake and driven down the Kennebec river. A dam was built by the promoters of this scheme at Seboomook Falls, on Penobscot West Branch, and a large flat region was thus covered with water. “*Carry Pond*,” on Penobscot, has

been overflowed to such an extent that logs are taken by water to within a thousand feet of the highest land between the Kennebec and Penobscot waters. Here an endless chain in two sections, driven by two powerful engines, takes the logs from the Penobscot and lifts them over the divide and tips them into the sluice.

J. S. & F. T. Bradstreet, of South Gardiner, Me., have been most active in the carrying out of this plan, and now, for three years, have taken annually about nine million feet of logs on the average, which would naturally go down the Penobscot river, across to Moosehead lake.

The Canadian Pacific Railroad has been used somewhat to enlarge the supply for the Kennebec, logs having been hauled by rail from land tributary to other rivers and left at the outlet of Moosehead lake to be driven down the Kennebec.

The annual cut upon this river is about one hundred million feet for long lumber and forty million for pulp wood. Following is a list of the lumber mills enumerated in order of estimated output for 1897:—Lawrence, Newhall & Company, Shawmut, 18,000,000; South Gardiner Lumber Company, South Gardiner, 15,000,000; M. G. Shaw & Sons, Bath, 8,000,000; Lawrence Brothers Company, South Gardiner, 8,000,000; Edward Ware, Winslow, 8,000,000; Richmond Lumber Company, Richmond, 7,000,000; C. & T. W. Fogg, Bowdoinham, 7,000,000; Augusta Lumber Company, Augusta, 7,000,000; H. W. Jewett & Company, Gardiner, 6,000,000; Joshua Gray & Son, Gardiner, 6,000,000; R. T. Hayes & Company, Gardiner, 4,000,000; N. Totman & Sons, Fairfield, 3,000,000; L. W. Weston & Company, Skowhegan, 3,000,000. Aside from these Putnam & Closson have a mill at Pittston, Elias Milliken & Son have one at Hallowell, and J. Manchester Hayes has a mill at Wiscasset, which, I understand, are not being stocked for 1897 sawing, but which, if run, would saw perhaps fifteen to twenty million. There is also a band-saw mill at Farmingdale, called the "Phillips" mill, which is not completed. The annual cut for saw-logs is considerably less than formerly.

The Penobscot river has played a most important part in the history of the lumber industry and has been the seat of the largest trade; and while the quantity of long lumber shipped to-day is less than at various times in the past, this section, from its location and adaptability, will always be a lumbering region so long as lumber can be manufactured anywhere. Bangor is the chief shipping point, and has been an important "lumber" town for many years. Situated at the head of tide on the river, it is the shipping point for all the product sawed at the mills at Orono, Veazie, Old Town, Stillwater and Milford.

The first mills at Bangor were built in 1771, at the mouth of the Penjejiwock stream, and the first timber trade of the vicinity was commenced by a man named Budge, who opened a yard at the mouth of Kenduskeag stream, and shipped logs and other forms of timber to Castine. Of the old mills upon the river it would require more space than is allotted to me to tell. Mills were built at Brewer in 1770, at Orrington in 1772, Orono in 1774, Hampden in 1782, Frankfort in 1784, Old Town in 1798, Holden in 1800, Bradley in 1820, Milford in 1833, and at Lincoln in 1825. Of the last-named mill the historian states: "They got the mill up the first of the winter, and used two puncheons and one barrel of New England rum and had not enough to finish raising and completing the mill."

Ship-building was very largely engaged in after the Revolutionary War and as late as 1860, and a vast quantity of timber from the Penobscot valley has been used for this purpose. Brewer was the chief ship-building place on this river, and as a timber-producing town, it is said, would be worth far more to-day, with its original pine growth, which was of excellent quality, than it is with all its city improvements and wealth.

Of the important lumber-manufacturing towns upon Penobscot river, Old Town, Milford, Stillwater, Orono, Veazie, Bangor, Brewer and Hampden have played the most prominent part. The tributaries of the Penobscot river are Passadumkeag stream, Piscataquis and Mattawamkeag rivers.

At Medway the East and West Branches of the Penobscot join each other, and above this point on both branches the forest territory is practically an unbroken wilderness.

The "river towns" were the first to be settled, and the abundance of pine in their immediate vicinity furnished the early mills their stock. The Mattawamkeag, Baskahegan, Passadumkeag and Piscataquis were first visited for logs, and in turn the East and West branches of the Penobscot. In 1832 the Penobscot boom was chartered, and the Penobscot Log Driving Co. obtained its charter in 1846 for driving Penobscot West Branch.

Prior to 1845 no spruce was cut for market; but in this year spruce cutting commenced upon the Mattawamkeag, and in 1850 the East Branch of the Penobscot was visited for spruce. Joshua and Moses Buck were among the first to engage in spruce cutting on the West Branch, and considered wild to undertake such business. "Nic" Norcross was probably the pioneer lumberman above Repogenus Falls, in Chesuncook Lake region, and the river drivers, who brought the first logs over Repogenus, all wore life-preservers.

The driving of the river is a very different matter now from what it was in the early days, as there have been extensive improvements made in dam building and rock blasting, and on the lower lakes as well as upon Chesuncook, a steamer has been built to tow the logs, which were often subjected to long delays because of "head winds" against which it was impossible to move a boom of logs in the old method with an anchor, line and capstan, and men to wind on the "headworks," taking the logs ahead very slowly.

John Morison has probably been longer engaged in log-hauling than any man on the river, and is still, with his sons, operating. He tells of being twenty days at one time in reaching the scene of his operations with his crew of men, starting from Bangor and camping by the way wherever night overtook them. How different the operator of to-day, who can take his goods by rail or steamboat to within a few miles of his camp! Many thrilling adventures have been encountered by the men who have followed the lumber business, and it is a life in which excitement plays a considerable part, even in these times.

Telos Lake, the natural head of the Allegash on the St. John watershed, is but about a mile from Webster Pond, the natural head of the Penobscot east branch. Below Telos Lake on the Allegash are Chamberlain, Eagle and Churchill Lakes, which are all large bodies of water and surrounded by exceptionally well-timbered land.

In the treaty of 1842 it was agreed by Great Britain that timber cut upon American soil should have the same rights of passage down the St. John river as if cut upon the provincial side of the line, or, in the words of the treaty, should "be dealt with as if it were the produce of New Brunswick." Immediately the province levied a duty on all the timber passing down the St. John river, and made a corresponding reduction in the stumpage price for logs cut upon "crown" lands in New Brunswick.

The result was that the Yankee made the St. John river run the other way. A canal was dug for the mile which separated Telos and Webster Lakes and a dam built at the outlet of Chamberlain Lake, and a great deal of timber has been cut for



Penobscot market which nature designed for the St. John. Some dissatisfaction was felt by the St. John lumbermen at the cutting off of this important reservoir and timber supply.

This was the location of the "Telos War," so called. The town in which the canal is located was owned by Rufus Dwinel, who was the owner of much land, and an extensive mill-operator on the Penobscot river, and he forbade the operators, cutting upon lands above the canal, turning logs through into the Penobscot, and sent an armed crew of men to the spot to prevent their doing so. The logs were brought as far as the canal, but, to avoid further trouble, they were left, and no effort made to turn them through.

As a general thing there has been harmony between the St. John and Penobscot operators in this location, and at the present time the "cut," which the water rushing through has made into an irregular channel, is used without any interruptions.

The first railroad in Maine, and second in the United States, was built to haul lumber from Old Town to Bangor. This road was built during the speculation period, and one of Stephenson's own locomotives was a part of its equipment. So prevalent was the mania of high prices that before a blow was struck toward the construction of this road the stock was sold at a premium of ten per cent. Eastern Maine, from 1832 to 1836, was a wonderfully good field for operations of the financial gymnast, and fortunes were made "while one waited" in those days.

Bangor was planned for the metropolis, and any one who owned even an option on real estate of any description was wealthy. But the bubble burst, and in 1836 and 1837 many sorry but wiser men counted the cost of the intoxicating draughts of speculation. The sobering-off was a slow and hard process, but the mania had served its object in the lesson taught. In 1837 a drive of as fine pine logs as ever floated down the river brought the operators less than enough to pay the bills for sawing and running from the mills at Orono to Bangor.

In 1846 the Penobscot met a serious loss in a heavy freshet, which carried away the Basin mills and the mills at Veazie. In 1850 the Penobscot river had two hundred and forty saws, and was sending out about two hundred million feet of long lumber; and in 1872 the high-water mark in the lumber business on this river was reached, as in that year nearly two hundred and fifty million feet of long lumber is reported on the books of the surveyor-general at Bangor.

F. W. Ayer & Co., who have a steam mill at South Brewer, with three band-saws, are the largest manufacturers upon the river, and saw spruce chiefly, consuming some thirty million feet of logs per year. The Stearns Lumber Company has a thoroughly modern two-band saw-mill, built in 1893, at Hampden, where they saw fifteen to eighteen million feet, while Hodgkins & Hall, at their mill at Hampden, use a gang, rotary and single saw, and manufacture from eleven to thirteen million feet. D. Sargent's Sons saw about six to eight million feet, largely spruce, at their band saw-mill at South Brewer. They also have a muley and a capacity of ten million, and Hastings & Strickland saw about seven million feet at the Dirigo mill at Brewer. Morse & Co. have an extensive plant at Bangor, upon Kenduskeag stream, and do a large retail business, furnishing everything needed for building, from a hemlock sill to the finest of interior hardwood finish and mantles. Their mantle business is a comparatively new department. They employ something over two hundred men at their mill, and theirs is one of the important manufacturing industries of eastern Maine. Of the native woods which they use, hemlock and pine are the most in evidence at their mill, and they annually use about five million hemlock and one million pine logs.

James Walker & Sons have a large water-power plant, furnished with four gangs and rotary, at Basin Mills (where a mill was originally built by "Roaring" Smith in speculation times, and was carried away by the freshet of 1846), and they saw about twenty-five million feet each year. They manufacture spruce, hemlock and pine, and do a large business in pine boxes, having a steam dry-house and box-mill.

At Orono, Adams & Co. own and operate a gang and rotary in the "Island Mill," and saw about eight million feet of spruce; and William Engel & Co., having two gangs and two automatic rotaries, saw some thirteen million feet, two-thirds of which is pine, and the remainder hemlock. These two mills are water-mills, and upon excellent "privileges."

At Stillwater there remain but three mills; the steam mill of Kimball, Adams & Co., equipped with band-saw and gang, where ten to twelve million feet are sawed—spruce, hemlock and pine; the "Sutton Mill," a water-mill on the lower privilege, with a capacity of ten million feet, and the steam shingle mill of George Lewis. This place was at one time possessed of a large number of saws, and about all the powers upon the excellent falls here were used to run mills. Fire destroyed one mill after another, and many were rebuilt, only to burn again. This has also been the experience at Old Town, which was once the chief lumber manufacturing point on the river. At the present time none of the water-power upon the upper falls on the Old Town side is used for saw-mills, and it is doubtful if it will ever be used for this purpose again.

At Milford the Jordan Lumber Company has a band-saw steam mill and also a water-mill. This firm does considerable business in pine and hemlock and also operates a box mill at Old Town.

B. B. Thatcher & Son lease the Bodwell Water Power Company Mill at Milford, and saw some ten million feet annually; two-thirds pine and one-third hemlock. Mr. B. B. Thatcher has been the lessee of this property for about eighteen years, and with Moses Wadleigh was one of the first to engage in the pine-box board business. James A. Thissell was also among the pioneers in this business, which began about 1876, prior to which time all the pine was sawed into boards, gutter stock or ship-pers, and pine boards found a good market in Cuba and the West Indies for sugar-boxes. The present market for pine box boards is found mostly in Massachusetts and Connecticut.

At West Great Works, two miles below Old Town, there is a water-mill equipped with two band saws and two gangs, formerly the William T. Pearson mill, which is now owned by the Penobscot Chemical Fibre Company, and leased from year to year. At one time there was also a large amount of business done at East Great Works, across the river on the Bradley side. The original mill was a sixteen single saw-mill for sawing pine; a little later mills were built on each side of the large one, the inner one being a small affair and the outer one a two-gang mill. In 1869 fire destroyed these two mills, and the outside one was rebuilt and the old mill remodeled, Cutler, Thatcher & Co. and Babb & Strickland owning and running these mills; in 1870 Cutler & Eddy succeeded Cutler, Thatcher & Co. and run the mills till 1883, when they were burned to the ground.

The annual output on the Penobscot may be estimated at about 150,000,000 feet, long lumber; 100,000,000 feet of which is spruce and 25,000,000 each pine and hemlock, exclusive of the pulp-mills, which use about 50,000,000 feet.

The Union River is a comparatively small drainage territory and has been severely burned in several different fires, and the cutting has also been of a very sweeping nature.

Ellsworth was early the centre of quite a lumber trade, and an excellent water power there has been utilized for the running of saws.

The business has fallen off considerably, and at the present time the manufacturers are as follows : On the lower dam is the old firm of H. M. & B. Hall, cutting now about two millions of long lumber, one million shingles and three million staves ; on the next dam above is the Burrill Lumber Co., who succeeded the firm of F. T. & G. H. Grant, and who manufacture three to four millions long lumber and two million shingles ; on the next dam above is the mill of C. J. Treworgy, who saws four to five million staves, one million shingles and some two hundred thousand pairs of heads, also the mill of Whitcomb, Haynes & Co., where they turn out some seven to eight million staves, and three hundred thousand pairs of heads per year, and on the upper dam is the lumber mill of the same concern, where they saw about four millions of long lumber and two million shingles. This last-named mill is the old Tisdale plant and has been run by Whitcomb, Haynes & Co., for about six years.

Spruce is the lumber chiefly used for staves, but there is a small quantity of fir used for this purpose. The heading is made from either spruce, pine or fir. The staves and heads for cement barrels find a market in New York, and a large quantity of lime casks is used in Rockland in this State. Most of the trade is reached by water, some of the product of the river being shipped by rail to Massachusetts, however, for apple and other produce barrels.

Upon the Narraguagus river the abundant water power is utilized to run saw-mills, and the firms in this business there are G. R. Campbell & Co., C. P. Nickels, W. M. Nash & Sons and W. H. Robertson.

The mills are located at Cherryfield and consist of four gangs, two single saws, one rotary and three shingle machines, and have a yearly capacity of sixteen to eighteen millions of long lumber, twelve to fourteen million laths, ten to twelve million shingles and on the average will turn out about one million staves.

The market is all reached by water and is chiefly Boston and New York and Sound ports. Quite a quantity of hemlock has been sawed on this river ; but the burning of the large tannery of E. E. Church & Co., at Beddington, has removed the market for the bark, and it is probable that but little hemlock will be peeled on this river in the future, at least, not until there is a demand made by the rebuilding of the tannery or a call for the bark from some other source.

E. K. Wilson has a box and planing-mill, and furnishes a large amount of boxes, forty thousand packages for shipment and thirty thousand cases for the immediate vicinity for packing sardines, lobsters, blueberries, etc.

The St. Croix river, which is a part of the easterly boundary of the state of Maine as well as of the United States, has been the source of a large lumber supply, and there is still considerable business in the manufacture done at present. The removal of the lumber duty has severely affected this trade upon the St. Croix, and the output has fallen off from somewhere near seventy-five million per year to about eighteen to twenty million.

The mill operators are mainly at Calais and St. Stephen, and the business is now confined to three firms, viz. : James Murchie & Sons, Henry F. Eaton & Sons and F. H. Todd & Sons. A large amount of hemlock, at one time about one-half of the yearly cut, has been sawed on this river, but this lumber is now less plenty, as the demand for bark was not sufficient to warrant such a yearly stock being peeled.

In the winter of 1763, a company of sixteen persons, thirteen of whom came from Scarboro, associated themselves together for the purpose of building a double saw-mill and forming a settlement at the head of tide-water on the Machias river. This



mill was situated on the present site of Holway, Sullivan & Company's mill. From that date down to the present time, lumber has been regularly manufactured there. In 1794, the cut was one million, six hundred thousand feet, which was considered a remarkably successful season's sawing. The history of the lumber industry here is only a repetition of what has been done on all the smaller rivers of the state, whose mills were situated near tide-waters. The early manufactures and shipments were wholly the best and clearest of pine, and were marketed in Boston, New York and the West Indies. The carrying of these cargoes was done by vessels built in this vicinity. Later, the river La Plata trade came into prominence, and for several years C. W. Vose, of Machias, bought the greater portion of the cut of pine shippers for export to Buenos Ayres.

The lumbering industry reached its height here in the decade of 1860 to '70. During a greater part of this time the Hemminways, then owners of Township No. 36, originally the best virgin pine township on the river's drainage, were running a well-equipped steam gang and single saw, day and night. Pope's mills, on the Harwood dam, were steadily employed; a gang and single saw were in operation on what is now known as the Dublin mill privilege; and a gang and single saw on the site of the Getchell grist-mill. Besides these several other single saws were in operation at Whitneyville, some three miles above Machias; the Mill and Land Company were running a large mill, equipped with gangs and single saws; these were connected with Machiasport by a railroad, and were located at this point to utilize the excellent water-power and pond-room, found here. All these mills had, of course, shingle and lath-mills in connection.

The cut on the river during this decade was from thirty to thirty-five millions annually, largely pine. The present cut is not far from fifteen millions annually, seven millions of pine and four millions each of spruce and hemlock.

The great damage to the timber is fire, the lands having many of them been so severely burned as to deprive them of much of their growing power. Reckless burning by the blueberry pickers and deer-hunters is responsible for many of these fires. The only means of shipment is by water, and the lumber is mostly disposed of in Boston, New York, and Sound ports. Pine shippers are still sent from here direct to the West Indies, mostly to Cuba, Hayti and Granada. Lately a large local market (local in the sense of being within the state) has been developed.

A small water-mill at Wesley does some business in making dowels, and two small box mills, one at Jonesboro and one at Holmes Bay, making herring-boxes for the local trade. Blanchard & Sons, at Eastport, manufacture sardine shooks for the Eastport and Lubec factories. Their stock comes in the round log from the provinces, and is worked up in a steam mill in the city. Daniel Smith, of Whiting, also does quite a business in sardine and herring-box shooks, having a well-equipped mill.

Cooper Brothers, of East Machias, do a good stave business, their product being sold almost wholly in Roundout. Pope, Harris & Co. and P. S. J. Talbot & Co., both of East Machias, carry on the manufacture of long lumber, lath, and shingles, but the resources of their lands are pretty well sapped, and their yearly cut is shrinking rapidly.

At Jonesboro some long lumber and a large quantity of staves are sawed, but their supply of saw-log lumber is practically exhausted.

The large steam saw-mill, built and operated by the Shaw & Morse Lumber Company, at Island Fall, has been recently purchased by a stock company, who will, in future, operate the plant. The capacity of this mill is about 8,000,000 feet per year, and it manufactures all kinds of long and short lumber. The mill is being

stocked this winter for next summer's manufacturing operations, and will afford employment to a large number of men. The company is incorporated under the laws of Maine, under the style of "The Mattawamkeag Lumber Co.," capitalized at \$50,000. There is an abundant supply of lumber above the mill, on the Mattawamkeag river and its tributaries, and the company has secured the control of large quantities of the timber land in that vicinity, from which to get their supply of lumber.

A manufacturing plant operated by John A. Weatherbee & Co., in the village of Danforth, on the Baskahegan stream, saws annually from 2 to 3,000,000 feet of lumber. The product consists of various kinds of long lumber, laths, shingles, and spool stock, and is the only mill of its kind on the Baskahegan river. The Guilford Lumber Company, at Guilford, and A. C. Page, at Passadumkeag, have well-equipped mills for the manufacture of long and short lumber.

At Brookton L. O. Dudley has a mill which produces about 1,500,000 feet of lumber.

Wilbur Grant, at Kingman, has a mill and a steam dry-house where quite a large business is done in saving hemlock, which is shipped by rail. Mr. Grant is the only manufacturer making a specialty of kiln-dried hemlock boards.

At Lowelltown, on the Canadian Pacific Railroad, there are three mills, operated by the Moose River Lumber Company, Lowelltown Lumber Company, and Skinner, French & Co., sawing annually from 15 to 18,000,000 feet of long lumber; and the Reddington Lumber Company, at Reddington Plantation, on the Phillips & Rangeley Railroad, manufactures about 12,000,000 annually.

The most modern saw-mill in the state is undoubtedly the one just completed by the Ashland Manufacturing Company, of Bangor, at Ashland, upon the Aroostook river and Bangor & Aroostook Railroad. Mr. Waldo P. Lowell, the manager, has had a long experience in the lumber business, having been connected with the William T. Pearson Company, of Bangor, for several years, and the company has a thoroughly "up-to-date" plant; equipped with two band-saws, machines for sawing 6-foot clapboards, as well as the standard 4-foot ones, and lath and shingle saws; 30,000,000 feet is the estimated capacity, and the output will mainly be shipped by rail to Bangor, there to be transferred to vessels for Sound ports or New York markets. This mill is also equipped with eight "barkers" to remove the bark from the slabs, which are contracted already to a Kennebec pulp mill.

The shipping from a saw-mill of clean pulp-wood is an innovation.

The timber supply for this mill is derived from the drainage of the Aroostook river, and the logs cut here in the past have almost wholly been for the St. John, New Brunswick, market.

The St. John river, which has an area of 7,400 square miles in Maine and drains in all 26,000 square miles, furnishes a large amount of timber to the English market. On the Maine lands pine ton-timber, square hewn in the forest, was all that found a market for a long time; later, the operators began to cut pine logs, and now the chief cut on the St. John in Maine, is, like the other large rivers, spruce. But few logs are cut less than eleven inches at the top end, and the St. John market is largely for "deal."

Before timber was placed upon the free list, there was a provision of the tariff law which admitted to the United States, duty free, lumber manufactured from logs from American soil by American capital and at and near St. John, the following American firms were engaged in the business: S. T. King & Son, E. D. Jewett & Co., Dunn Bros., Pervis & Murchie, Stetson, Cutler & Co., Charles Miller and Miller & Woodman, manufacturing in all from 80 to 90,000,000 annually.

On the Meduxnekeag: F. W. Titcomb, at Houlton, and H. C. Sharpe, at Monticello, saw about 5,000,000 feet each, and there is probably about as much more manufactured at Woodstock, New Brunswick, from this river, which is a tributary of the St. John.

On the Aroostook river, aside from the Ashland mill, already mentioned, there are about 6,000,000 long lumber sawed by the Aroostook Lumber Company at Presque Isle. Aroostook county's first lumber exportations were in hand-made shingles, in which commodity, and later in sawed cedar shingles, a large business has been done.

In war times shingles brought \$5.00 per thousand; now the best ones will bring from \$2.50 to \$2.75 at Boston points.

The Van Buren Manufacturing Company, at Van Buren; Stevens Lumber Company, at Fort Fairfield, and Aroostook Lumber Company, at Presque Isle, now do a large business in sawing shingles.

From 1852 to 1860 large quantities of yellow birch ton lumber were run down the Aroostook River, hauled past the falls and re-raftered and run to St. John, from whence it was shipped to England.

The hemlock business has been by no means an unimportant one, and there is still a large amount of this kind of lumber manufactured each year.

The demand for hemlock bark to supply our tanneries, which consume annually, when run to their capacity, about 65,000 cords, is supplied mainly from Maine lands, although several of the tanneries located upon the line of the railroad receive a part of their supply from the provinces.

Probably about as much bark is shipped from Maine to tanneries in the vicinity of Boston as comes into the state from the provinces; thus we would have hemlock trees from which 65,000 cords of bark have been peeled to cut into logs annually.

The hemlock tree is felled and the bark peeled during the early summer, when the running sap makes it much less adhesive to the tree trunk. The logs cut from the peeled tree are hauled in the fall and winter, and come to the saw the next summer.

The hemlock exported is mainly in boards, and the demand is largely influenced by the conditions of the spruce market; when spruce is plenty and cheap it is used in preference to hemlock, but good prices for spruce mean better sales for hemlock. Since the lumber duty was repealed the hemlock market has suffered severely from competition with Canada and New Brunswick.

Of the hard-wood trees the white birch is the most used, and a large business is done in the sawing of bars for spools. The largest mills that make a specialty of this business are those of T. J. Stewart & Co., at Boyd Lake, and of the Perkins & Danforth Spool Wood Co., at Norcross, on the line of B. & A. R. R.

J. W. Bennett, of Gilead, has several small mills sawing birch and ships a large quantity annually, but the majority of his supply comes from mills in the provinces. The Canton Steam-Mill Company (whose business is now run by Mr. Bennett) were the first to engage heavily in the birch business, and the first steamship to be loaded in Maine with spool-wood was chartered by them and took a large cargo to Scotland in 1887.

The Berlin Mills Company are large dealers in birch at the present time. They receive most of their supply from portable mills in the Swift River valley and Rumford region.

Probably from ten to twelve million feet of spool-wood is shipped from Maine per year, chiefly to Scotland. This wood has to be sawed during the cold weather, and many of the bars are sawed in the forest at portable mills and hauled out to the



line of railroad on the snow,—the aggregate of the cut is much enlarged by the sawing at about every little local mill of a few thousand feet of bars, which go in to fill the contracts taken by commission men from the large thread manufacturers of Scotland. It takes about two and one-third cords of birch to saw out a thousand feet of bars. There are a few mills in the state where the spools are turned, among the most prominent being those of the Willimantic Linen Co., at Willimantic, on Sebec lake; John MacGregor, at South Lincoln; A. F. Merrill & Bros., at East Eddington, and the Merrick Thread Co., at Lakeview, on Schoodic lake.

Quite an amount of business has been made within the state in the cutting of blocks for boot and shoe lasts, for both rubber and leather work, from rock-maple, or sugar-maple. James Ginn, of Orland, and Walter K. Spoffard, of East Holden, are among the pioneers in this business. Charles Valentine and Ora Gilpatrick are also men prominent in later years.

The method of operation is mainly by portable mill, run either by steam or horse-power. The tree is cut down, and that portion of it which is suitable for the purpose is hauled to the portable mill, where the log is sawed into the proper lengths for the blocks. These pieces are then split and chipped by hand into a rough shape, somewhat resembling a shoe or boot last.

There are mills at Bingham, on the Somerset railroad, run by Lander & Savage, and at Robinson, on Bangor & Aroostook Railroad, run by Henry Lord & Co. (who have been in the last-block business for upwards of twenty years), where the last-blocks are turned by machinery into rough lasts, which are shipped to the shoe-manufacturing centres of Massachusetts and Maine, there to be finished for use. There are two firms in Maine turning the finished lasts, Fitz Brothers, at Auburn, and Harper & Son, at Portland. The blocks, after being roughly hewn, have to dry before being turned into lasts, and along the railroad lines are sheds thousands of feet in length, filled with blocks hauled during the winter, which, with the exception of stock for rubber work, will not be shipped for use for a year or a year and a half. The rubber stock frequently is shipped green and kiln-dried at the factory, but the leather stock is not usually shipped from the sheds until well seasoned.

As many as three million blocks have been shipped per year, but of late the competition in this line of business from the West, particularly from Michigan, has been very sharp, and the present average output would be about two million blocks.

Maine has furnished hard woods to quite an extent for veneering for cars, inside finish and furniture, and there are mills at Greenville (Greenville Manufacturing Company), on Moosehead lake, and at Shirley (Shirley Veneering Company), for the manufacture of this article. There are also several furniture factories in the state using both hard and soft woods.

The manufacture of orange and lemon box shooks in Maine was begun in a small way about thirty years ago; at that time the principal enterprise of this kind was owned and conducted by Going Hathorn, of Pittsfield, who had a manufacturing establishment for the purpose situated in the town of Etna. While prices received at that time were about double that which is now paid for an article superior in quality, the business was then in its infancy, and the process of manufacture was slow and attended with drawbacks, which have since been overcome to a great extent. This manufacturing plant was destroyed by fire some years later, after which a company was formed for the purpose of prosecuting the business under the firm-name of Hathorn, Foss & Company, which firm at the present time manufactures and exports the greater part of the lemon and orange box shooks made and exported from this country.

Until recently there has been a demand for large quantities of this kind of lumber in the state of Florida, but since the *freeze* two years ago there is no use and no demand for this kind of product in that section, consequently the only market utilized at present is in Europe, principally on the coast of the Mediterranean Sea. At the present time this company owns and conducts three factories, situated in the towns of Danforth, Oakfield and Blaine, with an annual capacity of four million boxes, although the demand has never been such as to tax the factories to their utmost capacity. The business is conducted on a very small margin, and it is only by means of strict economy, hard work and purchased experience that it is enabled to be a success.

The demand is limited, and subjected to severe competition from Austria, where material is abundant and labor is paid only about one-tenth part what American labor commands, and any unfavorable legislation in regard to the tariff would prohibit the further pursuance of the business in this country. The manufacture of this lumber can only be successfully prosecuted during the warmer part of the year, at which time the factories employ about one hundred and fifty men. During the winter months the lumber is gotten out of the woods to the mills, requiring about six million feet, and employing about three hundred men, and about one hundred and seventy-five horses. Considerable has been done in this line at Princeton, on the St. Croix river, where James Murchie owns and operates a hardwood mill, and manufactures quite a large quantity of orange and lemon boxes.

This business, though small in its beginning, has grown to be one of the large industries of the state, and puts into circulation a large amount of money, and affords employment to a large force of men, and it is to be hoped that circumstances may be such that its successful prosecution may be continued.

With two thousand two hundred and ninety-three miles of steam railroad track and one hundred and thirty-one miles of electric lines and the accompanying telegraph and telephone lines, a large demand is made locally for railroad sleepers and other timber for railroad construction and repair and for telegraph poles, and a large quantity of ties and poles are annually exported. The ties are mainly made from cedar, but hemlock and juniper are also used for this purpose, while the poles are from cedar wholly. Juniper was at one time a very valuable part of the product of the forests, especially in the ship-building days, but a few years ago nearly all the trees of this species were killed by worms. Something of a business is still done with juniper "knees," which are used for building braces and in the construction of scows and "lighters."

Ship-building has been a very important industry in Maine, and a large amount of ship timber has been taken from our forests, but this industry is now quite a thing of the past. It was formerly the custom for a contractor to hew out in the woods the timber necessary, following patterns which were carried along, and to haul the timber by team or rail to the ship-yard.

The amount of lumber used locally in the state is hard to estimate. Small local mills are scattered all over the state, and a few thousand feet sawed purely for local use. Hardwood novelties, clothespins, kitchen-ware, pill-boxes, toothpicks, shoe-pegs, handles for all kinds of tools and bundled kindling-wood, made from mill waste, have all been manufactured and shipped in quite large quantities, and the birch edgings left after the spoolwood is sawed are very useful for kindling, and are shipped in large quantities, as well as other kinds of fire-wood.

It will be seen by the statements heretofore made that the long lumber business is not as great as in the past, and it can scarcely be expected to hold its own as to quan-

tity in the future in the state, considered as a whole. Many of the mills will undoubtedly be abandoned as time goes on, because of their remoteness from the timber supply. The pulp and paper business can be counted on to make good the loss to labor which any falling off in the lumber business will occasion; in speaking of the matter Mr. Carey says: "To convert a thousand feet of spruce logs into pulp or fibre costs in labor alone, according to my information, somewhere from five to six dollars, several times the labor cost of manufacturing a thousand feet of lumber. The work, too, is carried on under better conditions, is of a higher grade, and has the advantage of lasting all the year round. This, moreover, is saying nothing of the paper manufacture which, in order to save transportation, is working nearer and nearer to the woods, which are its final source of supply. Taking everything into account, it is probably safe to say that the conversion of a million feet of spruce into paper is worth more to the labor of the state than five millions converted into long lumber."

We have for a few years heard the cry that it would be but a short time before the manufacturing of lumber would cease because of lack of supply; that our forests were fast becoming depleted and would soon be destroyed, and since the introduction of the pulp business, in which spruce of smaller size is used in large quantities, the prophets have often foretold a complete abandonment of our forests in a few years.

It is safe to say that no product of the soil in any central civilized region is subjected to the waste in harvesting that the timber of the state of Maine has suffered in the methods of cutting, both in regard to the percentage of wood in the trunk of the tree cut down, which is valuable for some purpose, and is left in the woods to rot, and in the method of cutting young growth unnecessarily in getting logs.

It may be that human ingenuity, stimulated by the increasing demands and decreasing supply, may be able to discover or invent some material which will take the place of lumber and wood; but it seems to me this is sufficiently uncertain to justify our retaining as vigilantly as possible the "bird in the hand," and lending every effort which will aid in the preservation of our forests and the continuance of the lumber industry.





## CHAPTER CVI.

### SWEDISH COLONIZATION IN MAINE AND NEW ENGLAND.

BY WILLIAM WIDGERY THOMAS, JR.  
The Founder of New Sweden.

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ON the twenty-fifth day of June, in the year 1870, there sailed away from the shores of Sweden a little colony of fifty-one Swedes. This adventurous band then left home and country, and faced the perils of a voyage of four thousand miles and the hardships and toils of making a new home in the wilderness of a strange land without so much as the scratch of a pen by way of contract or obligation, but with simple faith in the honor and hospitality of the state of Maine. The colony was composed of twenty-two men, eleven women and eighteen children. All the men were farmers; in addition, some were skilled in trades and professions, there being among them a lay pastor, a civil engineer, a blacksmith, two carpenters, a basket-maker, a wheelwright, a baker, a tailor and a wooden-shoemaker. The women were neat and industrious, tidy housewives and diligent workers at the spinning-wheel and loom. All were tall and stalwart, with blue eyes, blonde hair and cheerful, honest faces; there was not a physical defect or blemish among them, and it was not without strong feelings of state pride that I looked upon them as they were mustered on the deck of the steamship, "Orlando," and anticipated what great results might flow from this little beginning for the good of my native state.

Seven years prior to this time, early in 1863, I had first set foot in Sweden, sent there by President Lincoln, as one of the thirty "war-consuls" of the United States. During a three years' residence in Sweden I had acquired the Swedish language; had become familiar with the history, manners and customs of the people, and had learned to know, respect and admire the manner of men and women they were. I had beheld, also, the thousands of sturdy Swedish emigrants that every year sailed away from Swedish ports for America, to help subdue the forests and open up the prairies of our own broad land. I had done whatever lay in my power to augment this emigration, and had seen with gratification the number of Swedish emigrants increase by thousands during my sojourn in the North-land.

But there was one fact connected with this emigration that to me, a son of the pine tree state, was anything but satisfactory—none of all these emigrants settled in Maine. All passed by our state, and went to build up and make strong and great the states of the West and North-west. Yet no state or territory in the Union is better adapted by nature to become the home of Swedes than the northern, wooded state of Maine. Here, and in the North-land, the same mountains rear their altars to Heaven, the same woodland lakes reflect the twinkling stars, the same forests clothe the hill-

sides, the same swift, clear rivers rush leaping to the sea, the same deep harbors notch the coast and the same islands by the thousand guard the shores.

And no better immigrants than the Swedes ever landed on the American continent. Honest and industrious, law-abiding and God-fearing, polite and brave, hospitable and generous, of the same old northern stock as ourselves, no foreign-speaking immigrants learn our language more quickly, and none become more speedily Americanized, or make better citizens of our great republic.

Did Maine need immigration? Yes, surely.

Maine is a state of great, but largely undeveloped, resources. Our sea coast, indented all over with harbors, invites the commerce of the globe; our rivers offer sufficient power to run the factories of the nation, while our quarries can supply the world with building material. In the northwestern portion of our state also, there was and still is a wilderness domain, whereon is scarce a settler, larger in area than the state of Massachusetts, covered with a stately forest of valuable trees, possessing a soil of unusual depth and fertility, and watered by plentiful streams. Yet, notwithstanding all these advantages, the census of 1870 revealed the startling fact that, while the United States as a whole had increased over seven million five hundred thousand in population in the previous decade, our own state of Maine had paused, and gone backward. In 1870 Maine numbered one thousand three hundred and sixty-four less inhabitants than she did ten years before. With the single exception of our neighboring state of New Hampshire, Maine was the only state in the Union that had retrograded in population from 1860 to 1870.

Was this a momentary halt in our advance, or was it the beginning of our decline? This was a momentous question; for states, like men, cannot stand still, they must grow or decay.

That immigration of some sort was a necessity, and that Scandinavian immigration would be the best for us, I think was quite generally admitted. Indeed, the general subject of Scandinavian immigration had been briefly presented to the attention of the Maine legislature as early as 1861, by Governor Washburn in his annual message. But how could Scandinavian immigrants be procured? And how could they be retained within our borders, if once we succeed in inducing them to come among us? These were unsolved problems, and the doubters were many.

Our own sons and daughters, to the manner born, were deserting Maine for the West. Would not our Scandinavians, provided we succeeded in getting them, do the same, and settle among the great masses of their countrymen already established in the western states?

Again, one attempt to procure Swedish immigrants for Maine had already been tried, and had ended in complete failure. A company of Maine men, incorporated as the "Foreign Emigrant Association of Maine," had recruited, in 1864, some three hundred Swedish laborers and servants in Sweden, and paid their passage across the Atlantic. These immigrants landed at Quebec, where they all, with one accord, disappeared. Not one of them ever arrived in Maine, and the association dissolved with a loss of many thousand dollars.

With the exception of a few scattered Swedes that had from time to time drifted into our seaboard cities and towns—less than one hundred in all—there were no Swedes in Maine.

Such was the condition of Maine, and such was the condition of the immigration problem on my return from Sweden to my native state at the close of 1865.

The conviction had gradually forced itself upon me, that it would be impossible to attract or retain any considerable number of individual Swedes within the limits

of our state, until we first procured and firmly established somewhere upon the soil of Maine a colony of picked Swedish immigrants.

Such a colony, with its churches and schools, its Swedish pastors and its Swedish homes, its Swedish customs and holidays and festivities, it seemed to me, would constitute a nucleus around which the Swedish immigration of the future would gather, a central point whose attractive force would ever hold the scattered Swedes, who went out to service, or settled elsewhere in Maine, within the borders of our state. But how could such a colony be procured, and how could it be established?

This problem I had gradually worked out in my own mind, and had arrived at a definite, practical plan. My plan was this: 1. Send a commissioner of the state of Maine to Sweden. 2. Let him there recruit a colony of young Swedish farmers—picked men—with their wives and children. No one, however, was to be taken unless he could pay his own passage and that of his family to Maine. 3. A Swedish pastor should accompany the colony, that religion might lend her powerful aid in binding the colonists together. 4. Let the commissioner lead the colony in a body, all together, at one time, and aboard one ship, from Sweden to America. Thus would they be made acquainted with one another. Thus, also, would they have a leader to follow, and be prevented from going astray. 5. Let the commissioner take the Swedes into our northern forests, locate them on Township Number 15, Range 3, west of the east line of the state, give every head of a family one hundred acres of woodland for a farm, and do whatever else might be necessary to root this Swedish colony firmly in the soil of Maine.

Then all state aid was to cease, for it was confidently expected, when once the colony was fast rooted in our soil, it would thrive and grow of itself, and throughout the future draw to Maine our fair portion of the Swedish immigration to the United States.

Such was my plan. I had a strong and abiding faith that it could be accomplished. Immediately on my return from Sweden I began, and for four years I continued to preach the faith that was in me, both in our legislative halls and among our people. At last my colleagues, commissioners on the settlement of the public lands in Maine, united with me in recommending my plan of immigration in our official report to the legislature of 1870. Governor Chamberlain, one of the earliest and most constant friends of Scandinavian immigration, warmly advocated the measure. The friends of the enterprise throughout the state rallied to its support, and on March 23, 1870, an act was passed authorizing my plan of Swedish immigration to be tried.

The act established a Board of Immigration, consisting of the governor, land agent and secretary of state. On March 25, two days after the passage of the act, the Board appointed me commissioner of immigration. The fate of my plan was thus placed in my own hands.

Having successfully arranged all preliminaries, I sailed from America April 30th, and landed at Gothenburg, Sweden, on the 16th of May. It was a bright spring morning when I set foot once more on Swedish soil, but brighter than the dawn was the opportunity now open to me to accomplish an undertaking, which for years had been the dream of my life, for the good of my native state.

A head office was at once established at Gothenburg. Notices, advertisements and circulars describing our state and the proposed immigration were scattered broadcast over the country. Agents were employed to canvass the northern provinces, and, as soon as the ball was fairly in motion, I left the office at Gothenburg in charge of a trusty agent, Capt. G. W. Schroder, and traveled extensively in the



interior of Sweden, distributing documents and talking with the people in the villages, at their homes, by the roadside, and wherever or whenever I met them. Familiar with the Swedish language and people, I was enabled to preach a crusade to Maine. But the crusade was a peaceful one, its weapons were those of husbandry, and its object to recover the fertile lands of our state from the dominion of the forest.

To induce the right class of people to pay their way to settle among us seemed indeed the most difficult part of the whole immigration enterprise. I therefore deemed it expedient to take this point for granted, and in all advertisements, conversations and addresses, to dwell rather on the fact that as only a limited number of families could be taken, none would be accepted unless they brought with them the highest testimonials as to character and proficiency in their callings.

The problem which was thus taken for granted soon began to solve itself. Recruits for Maine began to appear. All bore certificates of character under the hand and seal of the pastor of their district, and all who had worked for others brought recommendations from their employers. These credentials, however, were not considered infallible; some applicants were refused in spite of them, and no one was accepted unless it appeared clear that he would make a thrifty citizen of the good state of Maine. In this way a little colony of picked men, with their wives and children, was quickly gathered together. The details of the movement, the arguments used, the objections met, the multitude of questions about our state asked and answered, would fill a volume. I was repeatedly asked if Maine were one of the United States. One inquirer wished to know if Maine lay alongside Texas; while another seeker after truth wrote, asking if there were found in Maine any wild horses or crocodiles. This ignorance is not to be wondered at, for what had Maine ever done prior to 1870 to make herself known in Sweden?

Neither was the colony recruited without opposition. Capital and privilege always strive to prevent the exodus of labor, and sometimes are reckless as to the means they use. It is sufficient, however, to state that all opposition was silenced or avoided.

On June 23d the colonists, who had been recruited from nearly every province of Sweden, were assembled at Gothenburg, and on the evening of that day—mid-summer's eve, a Swedish festival—I invited them and their friends to a collation at the Baptist Hall in that city. Over two hundred persons were present, and after coffee and cake had been served, according to Swedish custom, addresses were made by Dr. S. A. Hedlund, member of the Swedish parliament; our agent, Captain Schröder, one of the leaders of the Baptist movement in Sweden, and myself. The exercises were concluded by a prayer from Pastor Trouvè. At this meeting the colonists were brought together and made acquainted, their purpose quickened and invigorated, and from that hour the bonds of common interest and destiny bound all the individuals into a community. Such a knowledge of Maine and its resources was also imparted by the speakers that the very friends who before had sought to persuade the colonists not to desert their fatherland, exclaimed: "Ah! if I could only go, too!"

In August, 1637, the Swedish ship of war "Kalmar Nyckel," accompanied by a small vessel, the "Fogel Grip," set sail from Gothenburg for America, with a Swedish colony on board, which founded the first New Sweden in the New World, on the banks of the Delaware. Two hundred and thirty-three years later, at noon of Saturday, June 25th, and just forty days after my landing in Sweden, I sailed from the same Gothenburg in the steamship "Orlando," with the first Swedish colony of Maine.

Our passage over the North Sea was tempestuous. We crossed England by rail, and after a pleasant voyage over the Atlantic, landed on this continent at Halifax, on July 13th.

Thence our route was across Nova Scotia, over the Bay of Fundy, and up the St. John River. At Fredericton steamboat navigation ceased on account of low water; but I chartered two flat boats, placed the colonists on board, and at 5 o'clock next morning they were *en route* again. Each boat was towed up river by two horses. The boats frequently grounded, and the progress up stream was slow and toilsome, but the weather was fine, and the colonists caught fish from the river and picked berries along the banks.

Near Florenceville the first misfortune befell us. Here, on Tuesday, July 19th, died Hilma C. Clasé, infant daughter of Captain Nicholas P. Clasé, aged nine months. Her little body was properly embalmed, placed in a quickly constructed coffin, and brought on with the colony. "We cannot leave our little one by the way," said the sorrow-stricken parents, "we will carry her through to our new home."

On the afternoon of Thursday, July 21st, the flat-boats reached Tobique Landing. Six days had been spent in towing up from Fredericton. The journey is now accomplished by railroad in as many hours.

Next morning the journey was continued in five large wagons. The Swedish immigrant caravan wound over the hills, and at ten o'clock in the forenoon of July 22nd, reached the iron post that marks the boundary between Canada and the United States.

As we crossed the line and entered the United States we unfurled the American flag from the foremost wagon, and the citizens of Fort Fairfield greeted us with a salute of cannon from the beautiful valley below. And the good people of Fort Fairfield did more than fire a salute; they received us with addresses of welcome and gave us a generous banquet in the town-hall. And cheered and refreshed, we continued on our way, in the afternoon, up the fertile valley of the Aroostook.

At the village of Caribou we were received with a band of music, and entertained with a bountiful supper in Arnold's Hall, where, also, the colonists passed the night.

At an early hour next morning the Swedish immigrant train was again in motion, accompanied by many citizens of the vicinity. We soon passed beyond the last clearing of the American pioneer and entered the deep woods. The long line of wagons slowly wound its way among the stumps of the newly cut wood road, and penetrated a forest which now, for the first time, was opened for the abode of man.

At twelve o'clock, noon, of Saturday, July 23, 1870, just four months from the passage of the act authorizing this enterprise, and four weeks from the departure of the immigrants from Sweden, the first Swedish colony of our state arrived at its new home in the wilds of Maine. As the wagon train stopped in the woods, a little south of where the Swedish capital now stands, the Swedes instinctively drew together in a little group around me, and here, in the shadow of the forest primeval, we devoutly thanked God, who had led us safely on our long journey, and fervently prayed for His blessing and guidance in the great work that lay before us. Here, too, I baptised the township "NEW SWEDEN," a name at once commemorative of the past and auspicious of the future. Here, in behalf of the state of Maine, I bade welcome and Godspeed to these far travelers, our future citizens, and here, at the southwest corner of the cross-roads, under a camp of bark, and by the side of a rill of pure spring water, Swedes and Americans broke bread together, and the colonists ate their first meal on the township where they were to hew themselves homes out of the forest.

There are few better towns in Maine for agricultural purposes than New Sweden. On every hand the land rolls up into gentle, hard-wood ridges, covered with a stately growth of maple, birch, beech and ash. In every valley, between these ridges, flows a brook, and along its banks grow the spruce, fir and cedar. The soil is a rich, light, loam, overlying a hard layer of clay, which in turn rests upon a ledge of rotten slate, with perpendicular rift. The ledge seldom crops out, and the land is remarkably free from stones.

New Sweden lies in latitude  $47^{\circ}$  north, about the same latitude as the city of Quebec. The boundaries of this township were run in 1859. Subsequently it was set apart by the state for settlement, and in 1861 the best part of the town was run out into lots for settlers. In this condition the township stood for nine years—set apart for settlement, largely run out into lots, but without a settler.

The Board of Immigration very prudently refrained from making any preparation for the proposed colony until it knew the result of my mission to Sweden. When, however, it appeared from my letters that this mission was a success, and that a Swedish colony would surely come to Maine, the Board at once set about making suitable preparations for the reception of the Swedes. In the latter part of June, 1870, Mr. Burleigh, of the Board, proceeded to Aroostook county. Here he instituted a relotting of this township, reducing the size of the lots from one hundred and sixty acres, which for nine years had been offered to Americans, with no takers, to lots of one hundred acres for the Swedes. Under his supervision, also, a road was "bushed out" into the township, and a beginning made towards felling five acres of forest and building a log house on each of twenty-five lots. In addition Mr. Burleigh bought and forwarded to the township necessary supplies and tools for the colony, and in many ways rendered services indispensable to the success of the enterprise.

The Swedes had arrived much earlier than Mr. Burleigh anticipated. Only six of the log houses had been built, and these were but partly finished, only two of them having glass in the windows. On our arrival the supplies and the commissioner of immigration were stowed in one house, and the Swedes and their baggage packed in the other five. So the colony passed its first night in New Sweden.

The next day was the Sabbath. The first religious service on the township was a sad one—the funeral of Hilma C. Clasé. The services were held at the bark camp at the corner, and were conducted by Rev. James Withee, of Caribou, an American Methodist. All the Swedes, and many families from Caribou, attended the funeral of this little Swedish girl. We buried her on the public lot, in a spot we were forced to mark out as a cemetery, on the very first day of the occupancy of this town. So peacefully slept in the wild green wood the only one who had perished by the way.

I had anticipated some difficulty in assigning homes to the settlers. Some farms were undoubtedly better than others. To draw lots for them seemed to be the only fair way of distribution; yet, in so doing, friends from the same province who had arranged to help each other in their work, might be separated by several miles. Every difficulty was finally avoided by dividing the settlers into little groups of four friends each, and the farms into clusters of four, and letting each group draw a cluster, which was afterwards distributed by lot among the members of the group. The division of farms was thus left entirely to chance, and yet friends and neighbors were kept together.

The drawing took place Monday afternoon, July 25. With but two exceptions, every one was satisfied, and these two were immediately made happy by exchanging with each other. When this exchange was effected, every Swede was convinced that just the right lot had fallen to him, and was enabled to find something or other about



his possession which, in his eye, made it superior to all others. So surely does ownership beget contentment.

Tuesday morning, July 26, the Swedes commenced the great work of converting a forest into a home, and that work has gone happily on, without haste and without rest, to this day.

Much remained to be done by the state. The Swedes, too, must be supplied with food till they could harvest their first crop. To put them in the way of earning their living by their labor was a natural suggestion. I therefore at once set the Swedes at work felling trees, cutting out roads, and building houses, allowing them one dollar a day for their labor, payable in provisions, tools, etc. The prices of these necessities were determined by adding to the first cost the expense of transportation, plus ten per cent. for breakage and leakage.

Captain Clasé, a Swede who spoke our language, and could keep accounts in single entry in English, was then placed in charge of the storehouse. He opened an account with every settler, charging each with all goods received from the store. Every Swedish working party was placed under a foreman, who kept in a book furnished him the time of each man. These time-books were handed in once a week to Captain Clasé, the storekeeper, and the men credited with their work at the rate of one dollar a day. The Swedes thus did the work which the state would otherwise have been compelled to hire other laborers to do, and were paid in the very provisions which otherwise the state would have been compelled to give them. By this arrangement, also, all jealousy was avoided with regard to the distribution of rations; and in their consumption the rigid Swedish economy was always exercised, which could hardly have been the case if food had fallen to them like manna, without measure or price.

All through summer and fall there was busy work in our wilderness. The primeval American forest rang from morn till eve with the blows of the Swedish axe. The prattle of Swedish children and the songs of Swedish mothers made unwonted music in the wilds of Maine. One cloudless day succeeded another. The heats of summer were tempered by the woodland shade in which we labored. New clearings opened out, and new log-houses were rolled up on every hand. Odd bits of board and the happily twisted branches of trees were quickly converted into needed articles of furniture. Rustic bedsteads, tables, chairs, and the omnipresent cradle, made their appearance in every house; and Swedish industry and ingenuity soon transformed every log-cabin into a home.

For myself, it was a pleasure to share the toils and privations of our new settlers. Every day I was among them from morn till eve. On foot or on horseback I visited them all, even the most remote, and cheered all at their labors; and every night I lay down in my log house tired but happy; for every day I had beheld something done, something tangible accomplished on the soil of Maine.

One hundred acres of forest were granted each settler; a chopping of five acres had been made on each lot. In nearly every instance, the trees were felled on the contiguous corners of four lots, and a square chopping of twenty acres made around the point where four lots met, five acres of which belonged to each of the four farms. The largest possible amount of light and air was thus let into each lot, and the settlers were better enabled to help one another in clearing. As the choppings had not yet been burnt over, the houses were built outside them, and being placed in couples, on the opposite sides of the road, every household had a near neighbor. Nearly every habitation was also within easy distance of a spring of living water.

The houses built by the state in New Sweden were all of uniform pattern, and

were designed by Mr. Burleigh. They were built of peeled logs, were eighteen by twenty-six feet on the ground, one and a half stories high, seven feet between floors, and had two logs above the second-floor beams, which, with a square-pitch roof, gave ample room for chambers. The roofs were covered with long-shaved shingles of cedar, made by hand in the township. The space on the ground floor was divided off by partitions of unplanned boards, into one general front room sixteen by eighteen feet, one bedroom ten feet square, and pantry adjoining, eight by ten feet. On this floor were four windows; one was also placed in the front gable end above. In the general room of each house was a second-size Hampden cooking-stove, with a funnel running out through an iron plate in the roof. On the whole, these log-cabins in the woods were convenient and comfortable structures; they presented a pleasing appearance from without, and within were full of contentment and industry.

It was of course too late for a crop. Yet I wished to give the Swedes an ocular demonstration that something eatable would grow on the land. There was a four-acre chopping on the public lot; this had been partially burnt over by an accidental spark from the camp-fire at the corner. On this chopping seven Swedes were set at work on July 26th, "junking" and hand-piling the prostrate trees. Mr. Burleigh, with axe and hands, assisted in rolling up the first pile. Good progress was made, and the next day, Wednesday, July 27th, we set fire to the piles and sent a young lad, Master Haines Hardison, on horseback out to the American settlements, in quest of English turnip seed and teeth for a harrow.

On July 28th we explored, with the surveying party, an old tote road running from the Turner place (one of the abandoned American farms in Woodland) out to Philbrick's corner, on the road to Caribou. We found the tote road cut off three-quarters of a mile of the distance to the village, saved a hard hill and a long pole bridge, and gave a good, level route. We at once put the tote road in repair and used it exclusively. The present turnpike to Caribou follows substantially the route of this road from the Turner place, now occupied by Jonas Bodin, a Swede, across Caribou stream to Philbrick's.

Friday, July 29th, we sowed two acres on the public lot to English turnips. This was the first land cleared and the first crop sowed in New Sweden. The land was hand-piled, burnt, cleared and sowed within six days after the arrival of the colony. The turnips were soon up and grew luxuriantly, and in November we secured a large crop of fair-sized turnips, many of them being fifteen inches in circumference. I am well aware that the turnip is regarded as a very cheap vegetable, but to us, who were obliged to haul in everything eaten by man or beast, eight miles over rough roads, this crop was of great assistance. Furthermore, it gave the Swedes a tangible proof of the fertility of the soil.

July 30th, Saturday, Anders Westergren, a Swede, thirty-nine years of age, came in and joined the colony. He sailed as seaman in a vessel from Philadelphia to Bangor; there he took up a paper containing notice of New Sweden, and immediately came through to us. He was the first immigrant after the founding of the colony. A stalwart man and skilled in the use of the broad-axe, he rendered valuable aid in building hewed timber houses.

On this day Mr. Burleigh left us, after a week's efficient help. The fame of the colony was spreading. I received a letter of inquiry from seven Swedes in Bloomington, Illinois.

On July 31st, the second Sabbath, Nils Olsson, the Swedish lay preacher, held public religious services in the Swedish language at the corner camp.

Tuesday, August 2d, the immigrants wrote a joint letter to Sweden, declaring

that the state of Maine had kept its faith with them in every particular; that the land was fertile, the climate pleasant, the people friendly, and advising their countrymen emigrating to America to come to the New Sweden in Maine. This letter was published in full in all the leading journals throughout Sweden.

Friday, August 12th, the second immigrant arrived in the colony. He was a native American, a good-sized boy baby, born to Korno, wife of Nils Persson, the first child born in New Sweden. He is alive and well to-day, a young man and a voter. He rejoices in the name of William Widgery Thomas Persson, and is happy in contemplation of the constitutional fact that he is eligible to the office of president of the United States.

On Friday, August 19th, Anders Malmqvist arrived from Sweden, via Quebec and Portland. He was a farmer and student, twenty-two years of age, and the first immigrant to us direct from the old country.

Sunday afternoon, August 21st, occurred the first wedding. I then united in marriage Jöns Persson to Hannah Persdotter. The marriage ceremony was conducted in the Swedish language, but according to American forms. In the evening was a wedding dinner at the Perssons. All the spoons were of solid silver; heirlooms from old Sweden.

Thus within the first month of the colony's existence, it experienced the three great events in the life of man—birth, marriage, death.

Between August 10th and 20th nearly all the choppings were fired. On some, good burns were obtained, and nothing but the trunks and larger branches of the trees left unconsumed on the ground; the fire merely flashed over others, leaving behind the whole tangled mass of branches, trunks and twigs to fret the settler. From this time forward till snow fell, every Swede that could be spared from the public works was busily engaged from sunrise to sunset with axe and brand on his clearing, "junking," piling and burning the logs—clearing the land for a crop. New Sweden became a land-mark for twenty miles around. From her hills arose "a pillar of cloud by day" and "a pillar of fire by night."

By September 15th, large patches of land were successfully burnt off and cleared, and the Swedes commenced sowing an acre or half-acre each with winter wheat or rye. Sixteen acres in all were sowed with rye and four with wheat.

Meanwhile the colony steadily increased. Now and again a Swedish immigrant dropped in, took up a lot, received an axe and went to work. September 14th, a detachment of twelve arrived; and October 31st, twenty more followed, direct from Sweden. There were two more births; and on November 5th, I saddled my horse, rode through the woods and stumps to the West Chopping, and officiated at the second marriage, uniting in the bonds of matrimony Herr Anders Frederick Johansson to Jungfru Ofelia Albertina Leonora Amelia Ericsson.

Game was plenty. I caught hundreds of trout in the lakes beyond the north-west corner of the township, and shot scores of partridges while riding through the woods from clearing to clearing. This game was divided among the Swedes and made an agreeable diversion from the salt-pork diet of our camp life.

Every Sabbath divine service was held by Nils Olsson, the Swedish lay minister, and a Sunday-school was soon started, which is still in successful operation.

The log-houses made comfortable homes for each Swedish family, but I soon became convinced that a large, central building was absolutely necessary for the public and social life of the colony. By the wise forethought of Hon. Noah Barker, the surveyor of the township, a lot of fifty acres had been reserved for public uses at the cross roads in the centre of the settlement. Here, on the 20th of September,



we commenced digging the cellar for a public building on a commanding slope of land. We began hewing out the frame and shaving shingles for the roof the same day. On Friday, October 7th, we raised the frame. Work was pushed rapidly forward, and on Friday, November 4th, four weeks from the raising, the house was finished with the exception of lathing and plastering, and the vane was placed in position on top the tower, sixty-five feet from the ground. This building is thirty by forty-five feet on the ground; has a cellar walled up with hewed cedar seven and one-half feet in the clear, is twenty feet stud, and divided into two stories each ten feet high. The first floor contains a storeroom thirty feet square, and two offices fifteen feet square each. The second story is a hall thirty by forty-five feet on the floor, ten feet stud on the sides, arching up to fifteen feet in the clear in the centre. In the large room below were stowed provisions and tools for the colony. The offices became the headquarters of the commissioner of immigration, and the hall was used for many years as a church, school-house, town-house, and general rallying place for the colony. In the spring, too, when the immigrants flocked in, it served as a "Castle Garden," where the Swedish families slept, cooked and ate under a roof while they were selecting their lots and erecting a shelter of their own.

From the first this structure has been called by the Swedes the "Capitol." It has been the heart of the colony. It at once gave character and stability to the settlement, encouraged every Swede in his labors, and has been of daily need and use. The Swedish Capitol is standing to-day, and though shorn of its ornamental tower, is otherwise in a good state of preservation.

The dwelling-houses erected by the state were built of round logs piled one on the other, with the spaces between open to wind and weather. On the 18th of October there raged a fierce storm of wind, sleet and rain. The wind whistled through the open log-houses, and all night long we could hear the crash of falling trees blown down by the gale. In the morning I found myself barricaded by a tall spruce that had fallen across my doorway, and my nearest neighbor arrived to tell me there were eight trees down across the road between his house and mine. Two good choppers soon cut out the fallen trees from the roads; but the storm warned us that winter was coming. So the Swedes ceased for a time clearing their land, and went to work fitting up their houses for winter. They first split out plank from the nearest spruce trees, and, taking up the floor, nailed a tight plank under-floor to the lower side of the beams. The spaces between the beams were then compactly filled with dry earth, and the upper floor boards planed and replaced. A ceiling of matched boards was now put on overhead, and the rooms made perfectly tight above and below. The walls of round logs were then hewed down smoothly inside and out, the interstices having been first "chinked up" with moss, and then filled in with matched strips of cedar. The walls were thus made as even and perpendicular as those of a timber house, and every building completely defended against the cold and blasts of winter.

Early in November I secured places for the winter among the farmers and lumbermen of the vicinity for all the Swedes who wished to work out; thirty were thus supplied with labor at from ten to twenty dollars a month, including board and lodging. Supplies were hauled in for those families who were to pass the winter in the woods, and they were made as comfortable as possible.

On November 13th was held the first meeting at the Capitol, and here I distributed to the colonists the certificates of their lots. They received them with eager eyes and greedy hands.

The state of Maine extended a helping hand to this infant colony and guarded

it with fostering care. But in so doing the state only helped those who helped themselves. The Swedes did not come among us as paupers. The passage of the colony of the first year from Sweden to Maine cost over four thousand dollars, every dollar of which was paid by the immigrants themselves. They also carried into New Sweden over three thousand dollars in cash, and six tons of baggage.

Let this one fact be distinctly understood. The Swedish immigrants to Maine from first to last, from 1870 till to-day, have all paid their own passage to Maine. *The state has never paid a dollar, directly or indirectly, for the passage of any Swede to Maine.*

At the close of 1870, in reviewing the work already accomplished, it was found that every Swede that started from Scandinavia with me, or was engaged by me to follow after, had arrived in Maine, and was settled in New Sweden. No settler had left to make him a home elsewhere, but, on the other hand, our immigrants had already bought, paid for, and sent home to their friends across the water, five tickets from Sweden to Maine.

So healthy was the climate of our northern woods. that, for the first year—for 1870—there was not a day's sickness of man, woman or child in New Sweden.

The results of this enterprise to our state, which were thus achieved in 1870, the year of its inception, were briefly summed up in my official report for that year as follows:

RESULTS IN 1870.—“A colony of one hundred and fourteen Swedes—fifty-eight men, twenty women and thirty-six children—have paid their own passage from Sweden and settled on the wild lands of Maine.

“Seven miles of road have been cut through the forest; one hundred and eighty acres of woods felled; one hundred acres hand-piled, burnt off and cleared for a crop, and twenty acres sowed to winter wheat and rye. Twenty-six dwelling-houses and one public building have been built.

“A knowledge of Maine, its resources and advantages, has been scattered broadcast over Sweden; a portion of the tide of Swedish immigration turned upon our state, and a practical beginning made toward settling our wild lands and peopling our domain with the most hardy, honest and industrious of immigrants.”

The winter of 1870-71 was safely and comfortably passed by the Swedes in the woods. They were accustomed to cold weather and deep snow. Their fires crackled brightly, and the festivities of Christmas time were observed as joyously in the Maine forest as in Old Sweden.

In the meantime, active and efficient measures were taken to increase the stream of immigration thus happily started. A circular was printed in Old Sweden describing the voyage of the first colonists, their generous and honorable welcome at the American border, the attractions, healthfulness and fertility of their new homes, the location, extent and productiveness of the settling lands of Maine, the advantages our state offered to settlers, interesting letters from the Swedish colonists already on our soil, and every other fact and suggestion which seemed appropriate or advantageous. This circular was issued early in December, 1870; a month in advance of the circulars of any other state or association. Five thousand copies were distributed, and the information they contained read and discussed at thousands of Swedish firesides during the most opportune time of all the year—the Christmas holidays.

Captain Schröder was appointed agent in Old, and Captain Clasé in New Sweden. Large editions of circulars were struck off and distributed in the old coun-

try in quick succession; two columns of the *Amerika*, a weekly emigrants' paper, were bought for six months, and filled every week with new matter relating to Maine and her Swedish colony; advertisements were also inserted in all the principal newspapers taken by the agricultural and other working classes, and a brisk correspondence carried on with hundreds intending to emigrate to Maine.

A special agent was employed to travel and distribute information in the most northern provinces of Sweden, their population being deemed best fitted for our northern state; and another agent, Mr. Carl Johan Ek, one of the colonists of the first year, was sent back from New Sweden to the Old, well equipped with maps, plans, specimens of Aroostook wheat, rye, corn and potatoes, also maple sugar made by the Swedes in New Sweden; for many in the old country had written "If one could only return to us, and with his own lips tell us what you narrate on paper, we would believe." A condensed circular was printed in Swedish at Portland, placed in the hands of the pilots of that harbor, and by them distributed on board the trans-Atlantic steamers while yet miles away from land.

Seed thus well and widely sown was soon followed by a harvest. With the first opening of navigation in the spring of 1871, Swedish immigrants began to arrive in New Sweden; first, in little squads, then in companies of twenty, thirty and forty, till the immigration of the year culminated in the last week of May, when one hundred Swedes arrived via Houlton and Presque Isle, followed within five days by two hundred and sixty more by the St. John river.

Provisions and tools for the colony and its expected accessions were shipped in March direct to Fredericton, and thence with the opening of navigation up the river St. John to Tobique landing. From this latter place the goods were hauled into New Sweden, a distance of but twenty-five miles. Seed, consisting chiefly of wheat, rye, barley, oats, corn, beans and potatoes, was early purchased in the neighborhood of the colony and hauled in on the snow. A span of young, powerful draft horses was bought in the early spring to help on the work. They were employed in harrowing in the crops, grubbing out and plowing the roads, hauling logs and timber, until November, when they were sold for \$425, the exact sum paid for them in the spring.

A stable, thirty by forty feet, was erected on the public lot, one hundred feet in the rear of the Capitol; the Capitol itself painted, the first-floor, comprising the store-house and offices, lathed, plastered, finished and furnished, and the hall above lathed, and provided with benches and a pulpit. The stable was erected, and the Capitol completed before the snow was off. This work was almost exclusively done by Swedes, at the rate of one dollar a day, in payment of supplies already furnished them by the state.

The snow lingered late. Weeks after it had disappeared in the nearest villages, it still covered our new clearings in the woods. As soon as the black, burnt ground showed itself in considerable patches, we commenced putting in wheat, sowing it partly on the melting snow. The first wheat was sowed May 12th; rye followed, then came oats and barley. The state horses harrowed in the grain. Then men, women and children were busy from morning till night hacking in potatoes among the stumps; and, last of all, each Swede cleared still a little piece more of land, and put in turnips. One hundred and sixty-five acres of land in all were put into crops in the spring of 1871.

Saturday, May 14th, Jacob Hardison and I rode into New Sweden on horseback, through a storm of sleet and rain, with nineteen young apple trees lashed on our backs. With these trees we set out the first orchard in the town on the public lot, just



west of the Capitol. The trees flourished, and in a few years bore fruit. The song-birds found us out. The year before the forest was voiceless. This spring, robins, sparrows, and chickadees flew into our clearings, built their nests among us, and enlivened the woods with their songs.

All the while the immigrants with their ponderous chests of baggage were pouring in. They filled the hall of the capitol, the stable, and one squad of fifty from Jemtpland camped under a shelter of boards at the corner. Hon. Albert A. Burleigh took the place of Mr. Barker as surveyor. Mr. Burleigh, with an able corps of assistants, arrived at New Sweden as soon as it was practicable to commence surveying in the woods, and pushed on his part of the work with vigor and ability throughout the season. Roads were first laid out in all directions from the capitol, then lots run off to face them. Straight lines were not deemed essential to these ways, an easy grade was everywhere maintained, and hills and swamps avoided. Working-parties of newly-arrived immigrants, each in command of an English-speaking Swede, were detailed to follow the surveyors, and cut out the roads. Thus avenues were opened up in all directions into the wilderness. Bands of immigrants, eagerly seeking their farms, followed the choppers, and lots were taken up as fast as they were made accessible. Some enterprising Swedes did not wait for the working-parties, but secured choice lots by ranging the woods in advance; the principle of "first come, first served" having been adopted in the distribution of these prizes of laud.

Thus the stream of immigration that poured into the Capitol was continually disappearing in small rills throughout the forest. A party of one hundred, crowding our accommodations on Monday, would vanish before Saturday night. A walk along any wood road soon revealed them; the blows of the axe and the crash of falling trees led to the men, and the smoke, curling from a shelter of poles and bark near by, to the women and children.

Our main road to the outside world for three miles from the Capitol was simply a passage-way cut through the woods the year before to let in the first colony. The heavy immigrant wagons and supply-teams had since then rapidly worn away the earth, and protruding stumps and deepening ruts rendered the road almost impassable; yet not a day's labor could be spared to it till the crops were all in. June 26th, however, a force of fifteen men and four horses was put upon this important highway. We commenced work at the edge of the centre chopping, about a stone's throw south of the Capitol; and until October whatever hands could be spared from their own clearings were kept at work on this road. The entire three miles were grubbed out, full width of thirty feet, through a heavy growth of standing trees; two miles of this turnpiked in as thorough a manner as any county road in the state; and a substantial bridge of hewn cedar thrown across the east branch of Caribou stream. The road is three-quarters of a mile shorter than the old one by which the first colony entered New Sweden; curves round instead of over the hills, and maintains an easy grade throughout. It was built under the immediate supervision of Jacob Hardison, Esq., than whom no man in Aroostook was better acquainted with everything that pertains to frontier life in the woods of Maine, and who, in one capacity or another, assisted the Swedish colony from its foundation. In settling New Sweden my right-hand man was always "Jake" Hardison.

Meanwhile branch roads were being cut through the woods by smaller parties of workmen. One road was made west four miles through Woodland into Perham, another east toward Lyndon, a third northeast four and one-quarter miles to the Little Madawaska river, a fourth, seven and one-half miles to the northwest corner of New Sweden, beside still other shorter connecting roads.

June 6, 1871, Anders Herlin died, the first death in New Sweden. June 20th, Jacob Larsson, a newly arrived immigrant, was killed in his chopping by a falling tree.

Friday evening, June 23d, the young people observed *Midsommars afton*—Midsummer's eve—a joyous, Swedish festival. They erected a May-pole at the centre, decorated it with garlands, festoons of flowers, and green leaves. From the top of the pole floated the American and Swedish flags. They sang ring songs, played ring games, and danced around the May-pole to Swedish music till far into the night.

In June arrived an important addition to the colony, the Rev. Andrew Wiren, a regularly ordained minister of the Lutheran church. His ministrations continued for many years. He was ever not only a pastor, but the "guide, counselor and friend" of his little flock, whose love and confidence he always possessed.

On Sunday, June 25, 1871, Pastor Wiren held the first Lutheran service in the hall of the Capitol. This was the first anniversary of our sailing from Old Sweden, and I availed myself of the opportunity to speak words of praise and encouragement to the colonists.

All summer and fall new choppings opened out on every hand, the old clearings were rapidly enlarged, shelters of poles and bark gave way to comfortable timber houses, barns were built near the growing grain, and everywhere trees were falling and buildings rising throughout the settlement.

So many people flocking into the woods soon created a demand for various trades and crafts. A variety store was opened in August by a Swede, in a commodious timber building near the centre. A blacksmith, a shoemaker, a tinsman and a tailor set up shops near by, and were overrun with business. A saw-mill was built at a good water-power on Beardsley brook, four miles from the Capitol. The foundations for a grist-mill were also laid.

Quite a speculation in real estate arose. Several farms changed hands at high figures, and one lot of only one acre was sold for fifty dollars cash. It was the corner lot next west of the Capitol, and was sold to build a store on. This store was afterwards altered into a dwelling-house for Pastor Wiren.

The crops grew rapidly. Wheat averaged five and rye six feet in height. One stalk of rye, which I measured myself, was seven feet and five inches tall. A man stepping into any of our winter rye fields in August disappeared as completely from view as though he were lost in the depths of the forest. Many heads of wheat and rye were over eight inches in length. Harvest time came early. Winter rye was ripe and cut by the middle of August; wheat, barley and oats early in September.

Crops were raised by thirty families. These arrived the year before. The newcomers could only clear the land of its trees this first season. Of the thirty families, seventeen had built barns in which they stored their grain. The crops of the others were securely stacked in the field, and though the autumn was rainy, the harvest was uninjured.

As soon as the grain was dry, a machine was obtained to thresh it. Three thousand bushels of grain were threshed out, of which twelve hundred were wheat, one thousand barley, and the remainder principally rye and oats. Wheat averaged twenty, and yielded up to twenty-five, and rye averaged thirty-five and yielded up to forty-two bushels to the acre. The season was late and wet, and much of the wheat was nipped by the rust. In an ordinary year a maximum yield of forty bushels of wheat to the acre has been attained.

An unusually heavy frost the middle of September, which prevailed throughout New England, killed the potato tops and stopped all further growth of the potatoes, diminishing the yield one-third. Three hundred bushels to the acre of those earliest

planted was nevertheless obtained, and five thousand bushels of potatoes secured, besides several hundred bushels of beets, turnips and other roots.

On September 30, 1871, all those who had harvested a crop were cut off from further receipt of state supplies. These colonists became not only self-supporting, but delivered to the state in part payment of their indebtedness, five hundred bushels of potatoes, which were sold to the later-arrived immigrants.

On November 15th, state aid was also cut off from every immigrant who had not wife or children with him. For all such, work for the winter was provided among the American farmers, in the lumber woods, at the tanneries, quarries or railroads.

A free public school was opened in the hall of the Capitol, November 13. Pastor Wiren was teacher. He had acquired our language during a four years' residence in the West. There were seventy-seven scholars. The chief study was the English language. To learn to read, write and speak English was deemed of more importance than all else. Pastor Wiren also opened an evening English school for adults.

Divine service continued to be held in the public hall both forenoon and afternoon, every Sunday throughout the year; and the Swedish Sunday-school kept up its weekly meetings without the omission of a single Sunday. The attendance on these religious exercises was almost universal.

As soon as the earth could be made to produce grass or fodder, the Swedes began to provide themselves with cattle, horses, sheep and swine.

They bought, however, no faster than they could pay. If a Swede could not afford a span of horses, he bought only one; if he could not afford a horse, he provided himself with an ox; if an ox was beyond his purse, he got a steer, and if a steer was more than he could afford, he placed a rope harness on his only cow, and worked around with her till he could do better.

Americans, driving in, laughed at these nondescript teams, but all the while the Swedes were teaching us a lesson—to live within our means.

One great cause of the rapid success of this colony has been the active help the Swedish women have rendered their husbands. Every Swedish wife was indeed a helpmate. She not only did all the house-work, but helped her husband in the clearings amid the blackened stumps and logs. Many of the Swedes cut their logs into lengths for piling with cross-cut saws. Whenever this was the case, you would see that the Swedish wife had hold of one end of the saw; and she did her half of the work too.

Once, riding out of the woods, I met one of our Swedish women walking in with a heavy sack on her back. As she passed, I noticed a commotion inside the sack.

"What have you in there?" said I.

"Four nice pigs," she replied.

"Where did you get them?"

"Down river, two miles beyond Caribou."

Two miles beyond Caribou was ten miles from New Sweden. So this good wife had walked twenty miles; ten miles out, and ten miles home with four pigs on her back, smiling all the way, to think what nice pigs they were.

Another Swedish wife, Mrs. Kjersti Carlson, when her husband was sick and her children cried for bread, with her own hands felled some cedar trees, sawed them up into butts, and rifted out and shaved these butts into shingles, one bunch of which she carried five miles through the woods on her back to barter at the corner store for medicine and food for her husband and children.



By such toil was this wilderness settled. But that bunch of shingles has become a part of the history of Maine. It occupies to-day an honored place in the capitol at Augusta, and a Maine poetess has rendered it immortal in her verse.

In January, 1872, a weekly newspaper, *The North Star*, was started at Caribou. Every issue of this paper contained one column printed in the Swedish language. This column was edited by Mr. E. Winberg, one of our Swedish immigrants, and was extensively read in New Sweden.

This was the first paper, or portion of a paper, ever published in a Scandinavian language in New England, although the Scandinavians sailed along our coast and built temporary settlements on our shores five hundred years before Columbus discovered the islands of our continent.

The examination of the first public school took place March 15, 1872, after a session of four months. The scholars had made wonderful progress in learning our language. Many could speak and read English well, and some had made considerable advance in writing. These school privileges were highly prized. Some of the scholars came to school five miles through the woods, slipping over the snow on *skidor*—Swedish snow-shoes.

Two steam mills were erected and put in operation in the spring of 1872, and a large quantity of shingles and some boards were sawed.

The Swedes early became experts in manufacturing shaved shingles by hand. It was soon admitted by Aroostook traders that the Swedish shingles were the best made in the county. Shopping in New Sweden was almost exclusively barter. Bunches of shaved shingles were the currency which the Swedes carried to the stores of the American traders, and with which they bought their goods.

The last mile of our main road was turnpiked in 1872, giving the colony a good turnpike to Caribou. Branch roads were improved.

In the matter of government New Sweden presented an anomaly. It was an unorganized township, occupied by foreigners; furthermore, no legal organization could be effected for years, for there was not an American citizen resident in the township, through whom the first step toward organization could be taken. The first two years of the colony I found time to personally settle all disputes between the colonists, organize the labor on roads and buildings, and arrange all matters of general concern.

As the colony increased it became impossible for one man to attend to all the details of this work. A committee of ten was therefore instituted to assist me. Nine of this committee were elected by the colonists, the pastor was the tenth, *ex officio*. Three went out of office every six months, and their places were filled at a general election. New Sweden was also divided into nine highway districts, and each one of this committee had charge of the roads in his own district. This decemvirate satisfactorily managed all the municipal affairs of the colony until New Sweden was legally organized into a plantation.

In the fall of 1873 the condition of the colony was excellent. The little settlement of fifty had increased to six hundred, and outside of New Sweden there were as many more Swedes located in our state, drawn to us by our Swedish colony. The settlement of New Sweden had outgrown the township of that name and spread over the adjoining sections of Woodland, Caribou and Perham. The trees on two thousand two hundred acres had been felled; one thousand five hundred acres of this were cleared in a thorough and superior manner, of which four hundred acres were laid down to grass.

The crops had promised abundance, but an untimely frost, that followed the

great gale of August 27th, pinched the late grain and nipped the potatoes. Still a fair crop was harvested. One hundred and thirty houses and nearly as many barns and hovels had been built. The colonists owned twenty-two horses, fourteen oxen, one hundred cows, forty calves, thirty-three sheep and one hundred and twenty-five swine.

The schools were in a flourishing condition. Such an advance had been made in English that most of the children above ten years of age could read and write our language tolerably and speak it well. An American visiting the colony had no need of an interpreter, for every child that talked at all could speak English.

I then felt that all the conditions of the plan on which this experiment was made had been fulfilled. The colony had been recruited in Sweden, transplanted to Maine, fast rooted in our soil, and made self-sustaining. The experiment was an experiment no longer. New Sweden was successfully founded, the stream of Swedish immigration was successfully started. The infant colony was now strong enough to go alone.

On Sunday forenoon, October 19, 1873, I met the Swedes at the Capitol. Nearly all the settlers, men, women and children, were there. I recounted the history of the colony, since the first adventurous little band had met together in old Sweden, spoke such words of friendly counsel as the occasion suggested and justified, and then took leave of the colony I had recruited in the Old World and founded in the New.

In my annual report, at the close of 1873, I recommended that all special state aid to New Sweden should cease. I further took pleasure in recommending that the office of commissioner of immigration, which I held, be abolished, since the accomplishment of the undertaking rendered the office no longer necessary; and thus laid down the work, which for four years had occupied the better portion of my life and endeavor.

But though my official connection with New Sweden ceased with 1873, this colony has never ceased, and never will cease, so long as life remains, to occupy a large portion of my heart, my thoughts and my prayers.

And New Sweden has ever continued to meet the fondest anticipations of her friends. Her career from the beginning to this day has been one of constant and unbroken growth, development and progress. She has never taken a step backward, she has never made a halt in her onward march. Her story forms an unique chapter in the history of Maine. That story I would gladly narrate further step by step.

I would fain speak of the organization of the township into a plantation in 1876, and of its municipal and political life; of our grand decennial celebration in 1880, in which three thousand persons, Swedes and Americans, took part; of the dedication of the first Swedish Evangelical Lutheran church of Maine on the same day; of the rise and progress of the Baptist, the Mission and the Advent societies and the building and dedication of their houses of worship; of the deep religious life of the colony; of our schools and the thorough work they have accomplished; of the building of our roads and bridges; the establishment of mills and factories; how year after year the forest has been felled, and choppings full of blackened stumps transformed into smooth fields of waving grain; how the log-cabins have been replaced with substantial two-story frame houses, great barns built, fruitful orchards and gardens set out, and bountiful crops raised; how the Swedes have come to possess excellent breeds of horses and cattle; how the steer teams with rope harness have disappeared, and how the Swedes drive to-day as good horses as can be found in Aroostook county; how the good repute of our Swedish fellow-citizens has risen and risen, until the

only question now asked by an American shop-keeper is, "Are you a Swede? If so, you may buy on credit anything and everything you want."

All this, and much more, I would love to recite in detail, but the limits allotted this paper would be doubled before the half could be told. Space will only permit a brief mention of the status of New Sweden to-day, and of some of the results which this Swedish colony has achieved on American soil. In January, 1895, New Sweden commemorated the twenty-fifth year of her existence by becoming incorporated as a town, and taking her place as a full-fledged municipality among her sister-towns in Maine; and on the twenty-fifth day of June of that year—the twenty-fifth anniversary of the sailing of the first little colony from the mother-country—New Sweden celebrated her quarter-centennial jubilee. The exercises were held in one of "God's first temples," a grove of gigantic rock-maple. Some four thousand people took part in the festivities; the American and Swedish flags hung in the great open-air auditorium; there was music by the Swedish band and singing by the Swedish choir, an address of welcome by Pastor Norberg, an oration by the founder of the colony, and many speeches by both Americans and Swedes,—the whole concluding with a sumptuous banquet in the grove.

On that summer day New Sweden paused a moment to rejoice over the work already done. On that day, also, New Sweden gave an account of her stewardship, and showed the results of twenty-five years' hard work—results achieved by the never-flagging industry, the rigid economy, the virtue, faith and hope of our Swedish brethren. To their American visitors, to the state of Maine, the Swedes could proudly say, "*Si Monumentum Queris, Circumspice.*" New Sweden stood on that day a monument of what can be accomplished in the wilderness of Maine by strong arms and brave hearts in the short space of a quarter of a hundred years.

In June, 1895, the town of New Sweden numbered seven hundred and seventeen inhabitants, but these figures represent less than one-half of our Swedish settlement. The colony soon outgrew the boundaries of this township, and spread over the adjacent portions of Woodland, Caribou and Perham, lying to the southward. Later, our Swedish pioneers penetrated into the forest to the west and north, and there made permanent settlements.

On June 1, 1892, the Swedes organized Township No. 15, Range 4, lying west of New Sweden, into a plantation, and named it "Westmanland," from one of the provinces of the old country; and on March 23, 1895, Township No. 16, Range 3, adjoining New Sweden on the north, was legally organized as "Stockholm," thus perpetuating the name of the beautiful capital of Sweden in the state of Maine.

New Sweden, therefore, came not solitary and alone to her quarter-centennial jubilee. She came leading by the hand two fair daughters, Westmanland and Stockholm. Aye! more. She came leading her sons and daughters by hundreds from the adjoining American towns of Woodland, Caribou and Perham.

And there is one son New Sweden led with peculiar pride to her feast. John Hedman, a Swedish lad, reared in our Swedish woods, graduated that year with high honors at Colby University, Waterville, Me., and is now instructor in modern languages at that university. Surely our Swedes have not forgotten that they are the countrymen of Linnæus and Swedenborg, of Geijer and Tegnér and Victor Rydberg. Surely among the blackened stumps of their forest clearings, our Swedish pioneers have looked up to something higher and nobler than mere material prosperity.

MAINE'S SWEDISH COLONY is situated to-day on seven different but adjoining towns, forming thus one compact settlement, which in 1895 numbered no less than



one thousand, four hundred and fifty-two Swedes, divided as follows: New Sweden (town), 717; Woodland, 279; Caribou, 103; Perham, 79; Westmanland, 109; Stockholm, 157; No. 16, Range 4, 8; total, 1,452. Nearly thirty times the little band of pilgrims that entered those woods twenty-five years before. An increase of over 2,800 per cent.

The following statistics collated in June, 1895, embrace the entire Swedish settlement—the Greater New Sweden:

**MARRIAGES, BIRTHS AND DEATHS.**—From the date of the settlement to June, 1895, there have been celebrated one hundred and two marriages, four hundred and eighty-one babies have been born, and one hundred and forty individuals have died. In the last number are included many who died in Portland, Augusta, Boston and other places, but are interred in the New Sweden cemetery. Yet even with these deaths included the births outnumber the deaths in the ratio of 3.43 to 1. Is anything further wanted to prove the vigor of the Swedish race and the healthfulness of the climate of Maine.

**CLEARINGS.**—The area of land cleared on each lot in the colony varies with the strength, skill and circumstances of the settlers, and the length of time since their arrival. The earlier colonists have, of course, larger "felled pieces" on their lots than the later comers; and the few who were fortunate enough to bring with them the means of hiring help have made more rapid progress in clearing their farms of the forest, than the great majority who have been compelled to rely exclusively on the labor of their own hands. Scarcely any of the Swedes, however, have cleared less than twenty-five acres, most have cleared from thirty to fifty acres, some from fifty to seventy-five, while a few, who have acquired more than one lot, are the happy owners of broad clearings of more than one hundred acres in extent.

The Swedes have cleared their land in a superior manner, all the old soggy logs being unearthed, smaller stumps uprooted, and the larger knolls leveled. In most of the earlier clearings the stumps have been entirely removed, and the fields plowed as smoothly as in our oldest settlements. In the aggregate these Swedes have cleared and put into grass or crops seven thousand six hundred and thirty acres of land, that twenty-five years before was covered with a gigantic forest.

**BUILDINGS.**—The colonists have erected: 1 capitol; 4 churches; 3 parsonages; 7 school-houses; 2 starch factories; 5 shingle mills (these mills are also furnished with rotary saws, planers, sticking and clapboard machines); 305 dwelling-houses; 362 barns and hovels; 689 buildings in all.

**ROADS.**—Seventy-one miles of road have been built, of which forty-six miles are turnpiked and in excellent condition.

**LIVE STOCK.**—Our Swedish settlers own: 468 horses, worth \$42,950; 287 colts, under three years old, worth \$5,810; 27 oxen, worth \$810; 479 cows, worth \$14,250; 313 other neat cattle, worth \$2,504; 497 sheep, worth, \$1,485; 150 lambs, worth \$300; 117 swine, worth \$936; 6,000 poultry, worth \$3,000. Total value, \$72,045.

**CROPS.**—In 1894 the Swedish colonists harvested: Hay, 1,500 tons, worth \$15,000; wheat, 3,616 bushels, worth \$2,905; rye, 4,215 bushels, worth \$3,086; oats, 60,000 bushels, worth \$23,920; buckwheat, 3,445 bushels, worth \$1,469; potatoes, 117,950 barrels, worth \$117,950. Total value, \$164,330.

**DAIRY.**—In 1894 the dairy product of the colony amounted to 30,000 pounds of butter, worth \$6,000; 5,000 pounds of cheese, worth \$500. Total value, \$6,500.

**WOOL.**—In 1894 the colonists clipped 2,500 pounds of wool, worth \$500.

**EGGS.**—The egg product of 1894 amounted to 24,000 dozen, worth \$2,400.

**TOTAL VALUE OF FARM PRODUCTS FOR 1894.**—Crops, \$164,330; dairy, \$6,500; wool, \$500; eggs, \$2,400. Total, \$173,730.

FACTORIES AND MILLS.—Product of factories and mills for 1894: 190 tons starch, worth \$11,720; 21,500,000 feet shingles, worth \$39,750; 2,200,000 feet long lumber, worth \$17,600. Total value, \$69,070.

VALUE OF SWEDISH BUILDINGS, CLEARINGS, TOOLS AND STOCK.—Churches, parsonages and schools, \$12,500; factories and mills, \$25,500; farm buildings, 200,450; 7,630 acres of cleared land, at \$20 per acre (the cost of clearing), \$152,600; farming implements and machinery, 65,800; live stock, 72,045. Total, \$528,895.

Value of farm products for 1894, \$173,730; value of factory and mill products for 1894, \$69,070. Grand total, \$771,695. And all this has been created where not the worth of a dollar was produced twenty-five years before.

These figures need need no eulogy. They speak for themselves. They tell the story of difficulties surmounted, of results accomplished, of work well done.

The story of New Sweden has no parallel in New England since the United States became a Nation. This Swedish settlement is the only successful agricultural colony founded with foreigners from over the ocean in New England since the Revolutionary War, and surely in all America there is no agricultural settlement, so young as ours, that surpasses our model colony in progress and prosperity.

And the good effects of the founding of New Sweden are not confined to the colony or its vicinity. As early as 1871, Swedish artisans and skilled workmen, drawn to Maine by New Sweden, began to find work in the slate quarries of Piscataquis county, in the great tanneries and saw mills of Penobscot, and in the stores and workshops of Portland, Bangor, Augusta, Pittsfield, Monson, Houlton, Presque Isle, Fort Fairfield, Caribou, and other cities and towns. Since the founding of the colony the Swedish girls have ever furnished needed and valuable help in our families in all sections of the state. Some Swedish immigrants, who came to us in independent circumstances, purchased improved farms in Presque Isle, Fort Fairfield, Limestone, and other towns; while many Swedes with less means, settled on abandoned farms in Cumberland, York, and our other older counties. These deserted homesteads have been placed by the Swedes in a high state of cultivation; indeed, Swedish immigration is proving to be the happy solution of the "abandoned farms" question in Maine.

The United States census of 1890 returned a Swedish population in every county in Maine except Franklin, and gave the total number of Swedes in our state, including children born in this country of Swedish parents, at 2,546.

To-day, there are in Maine more than 3,000 Swedes as the direct result of the Swedish immigration enterprise.

And Swedish immigration has benefited Maine in other ways besides the direct addition of several thousand Swedes to our population.

The best part of the fertile town of New Sweden was run out into lots in 1861. For nine years Maine offered these lots to settlers. The offer was made under our settling laws, which did not require the payment of a dollar, only the performance of a certain amount of road labor and other settling duties, which made the lot virtually a gift from the state to the settler. Yet not a lot was taken up. Until the advent of the Swedes no one was found willing to accept his choice of the lots in this town as a gift, provided he was required to make his home upon it.

And not only was New Sweden without a settler on the morning of July 23, 1870, but several of the lots in the adjoining portion of Woodland plantation, which had years before been taken up by settlers, and on which clearings had been made, houses built and crops raised, were now deserted by their owners, the houses with windows and doors boarded up, and the clearings commencing to grow up again to

forest. Such was the condition of the last clearings the Swedish colony passed through on its way into the woods. These clearings are now settled by Swedes and smile with abundant harvests.

The American pioneer who abandoned the clearing nearest New Sweden was happily with us at our decennial celebration in 1880, and joined in the festivities with wondering eyes. Mr. George F. Turner then told me of his attempt to settle in the Maine woods. He came from Augusta in the spring of 1861, and took up lot No. 7 in Woodland. Here he built a house and barn, and cleared thirty-five acres of land. But there were no roads. If his wife wished to visit the village, he was forced to haul her through the woods on a sled, even in summer. No new settlers came in. His nearest neighbors, Dominicus Harmon and Frank Record, left their places and moved out to Caribou. Still he held on for two more years alone in the woods. At last, in the fall of 1868, he abandoned the clearing where he had toiled for seven long years, and moved out to civilization.

"I left," said Mr. Turner, "because, in the judgment of every one, there was no prospect for the settlement of this region. The settlers around me were abandoning their clearings. Every one said I was a fool to stay, and I at last thought so myself, and left. Little did I expect to see this day."

The tide of settlement was ebbing away from our northern woods, when a wave from across the Atlantic turned the ebb to flood. It has been flood tide ever since.

The founding of New Sweden in the backwoods of Maine called the attention of our own country, as well as Sweden, to our state, its resources and advantages. The files of the land office show, that in addition to the Swedish immigration, American settlers upon our wild lands increased in 1871, the first year after the arrival of the Swedes, more than 300 per cent.

One special instance among many may be given of the influence exerted by our Swedish settlement. Mr. Albe Holmes, a potato-starch manufacturer of New Hampshire, was induced to visit Aroostook county in 1870, by reading a newspaper notice of New Sweden. He put in operation the first potato-starch factory in Aroostook at Caribou in 1872. These factories quickly increased. There are to-day in Aroostook county no less than forty-one starch factories, with a yearly output of eight thousand tons of starch, worth \$360,000; while the raising of potatoes and their manufacture into starch have grown to be among the chief industries of the county.

With the founding of New Sweden our state recovered from the check in her career and again took up her onward march. From 1870 to 1880 Maine increased 22,021 in population; from 1880 to 1890, 12,150. And it is worthy of note that more than one-half of the increase of the entire state in both these decades has been in the county where lies our Swedish settlement.

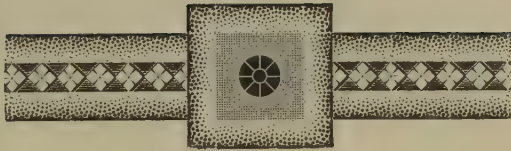
Furthermore, the good accomplished by New Sweden is not limited by the boundaries of our state. Skilled workmen from New Sweden early obtained employment in the mills, factories and workshops of Boston, Worcester, Lowell, Fall River, Springfield, and Brockton, in Massachusetts; Manchester and Concord, in New Hampshire; Rutland and Bennington, in Vermont; Providence and Pawtucket, in Rhode Island; New Haven, Hartford, Bridgeport and Waterbury, in Connecticut, and in other manufacturing centres all over New England. And each little band as it settled down formed a fresh nucleus around which have continually gathered new throngs of Swedish immigrants.

Thus the overflow from New Sweden has reached and benefited all our sister states. In fact the establishment of this little colony of Swedes in the woods of Maine, in 1870, turned a rill from the stream of Swedish immigration, which before



all flowed west, upon New England, and added a fresh element of good, northern blood to every New England state.

And the good accomplished by New Sweden has not ceased with its twenty-fifth anniversary, nor stopped with the year of grace 1895. This successful Swedish colony will go on and fully accomplish its mission. It will continue to push out into the great Maine forests to the north and west, and convert township after township into well-tilled farms and thriving villages ; and it will continue to attract to all sections of our state and of New England the best of immigrants—the countrymen of John Ericsson, and the descendants of the soldiers of Gustavus Adolphus, and the “boys in blue” of Charles XII.



## CHAPTER CVII.

### BIOGRAPHICAL.

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#### MR. JUSTICE CLIFFORD.

**T**HE ancestor of the Clifford family of New England came to America in 1664 and settled in the town of Hampton, N. H. He was a lineal descendant of the ancient and historic family of Cliffords in England, where a representative of the family still survives, holding the hereditary title. The name of the emigrant to the colonies was George, and his oldest son was named John. From this ancestor all the Cliffords of New England have descended. The early settlers in New Hampshire were farmers.

Pioneers in the settlement of the state and subjected to the hardships, struggles and privations attendant upon such conditions of life, still they were men who took an interest and a share in all of the measures for the improvement and settlement of the towns in which they lived. Their names are frequently to be seen in the town records where they resided in a way that indicates their participation in measures of town interest, and many of them held honorable positions and rendered valuable service in the Colonial, French and Revolutionary Wars.

The great-grandfather of the judge was a man of intelligence and public spirit, and was for many years treasurer and collector of the town of Rumney, in Grafton county, where Nathan Clifford was born. Indeed the settlement and growth of the town owe much to his energy and perseverance. The father of the judge was a man reared amid the conditions and circumstances of an early settler's life. He was a man of dignified and serious turn, a little stern, perhaps, but was widely and highly respected for intelligence and uprightness of character. His wife was a woman of great personal beauty, of unusual energy and strength of character, and of great vigor and clearness of mind. She lived to a great age in the possession of unclouded faculties, and saw her son receive the last and highest, honor of his life, a seat in the Supreme Court of the country.

Nathan was born in 1803, and was the only son in a family of five children. The circumstances of the family were, of course, limited, affording, however, a comfortable home and a livelihood free from any real privation. But from the character of the parents, it was a home where salutary discipline existed, and where the principles of morality, truth and industry were taught and exemplified. No better school for the formation of a strong, pure and elevated character could exist than the family in which Nathan Clifford was born, and in which he passed his childhood. The means of education were, of course, scanty in the town of Rumney, such as they must necessarily have been in a small interior country town and in a sparsely-settled region. The course of instruction was narrow and meagre, and the terms comprised



*Nathan Clifford*





only a few winter months, when children could be spared from the duties of the home and farm. Such as they were, however, they constituted the theatre in which young Clifford obtained the rudiments of his education. But with this he was not satisfied. From an early age he manifested a strong inclination to study and a desire for the acquisition of learning. On the part of his parents no further plans were entertained for the future of the son than that he should follow substantially the life which his family and his father had pursued. But in the mind of the young man there existed different views. At the age of fourteen years he announced to his parents his determination to obtain, through his own efforts, a more liberal education than could be acquired in his native town. The prospect of a separation from the only son at first occasioned anxiety and threw a shadow into the little family group, of which the young man was the object of a peculiar solicitude and affection. But no persuasions could shake his purpose, and so, at this early age having at last obtained his parents' consent, he started out to win his way alone in the world.

He obtained the charge of a small district school in a neighboring town and also used the school room in the evening for the purpose of conducting singing classes. He was possessed of a fine voice and correct musical taste, and he had also obtained considerable knowledge of music from his father and sisters during the winter evenings at home. Soon after this he became a pupil in the academy at Haverhill, N. H., where he remained for three years, with such interruptions as were unavoidable in order to enable him by school-keeping to earn the means for his support. It was while he was in attendance at the Haverhill Academy, during a visit home, he announced to his family his intention of entering upon the study of the law as soon as he had fitted himself to do so. The idea must have originated in his own mind without outside influence. To this purpose so early formed, he constantly adhered until it was accomplished. The hope of the boy was realized in the end by the highest of legal attainments and honor by the man. His earnest and constant study at the Academy soon attracted the attention and won the affection and interest of the teacher (a gentle and cultivated man) and secured for the young student much disinterested assistance and encouragement in the prosecution of his studies.

Three years thus spent at Haverhill, and an additional year at the Institute of North Hampton completed his academic education, and he felt himself prepared to realize his ambition and enter upon the study of the law. At the age of eighteen years he entered the office of Josiah Quincy, Esq., then a prominent lawyer in Grafton county. Here he remained for five or six years, pursuing with characteristic fidelity and thoroughness his study of the law, as well as the collegiate course of study then being followed at Dartmouth College. It was not long before his habits and character had won the respect of Mr. Quincy, who manifested for the young man the highest regard, treated him with the utmost kindness, made him a confidant in his practice, and finally was accustomed to entrust to his charge various matters of legal business. It was undoubtedly owing to Mr. Quincy that young Clifford acquired so early a familiarity with the practical details of the business in a lawyer's office. Mr. Clifford had become an experienced teacher, and his services were readily engaged whenever he was compelled, by his necessities, to resort to teaching to provide for the expenses of his simple mode of life. The years spent with Mr. Quincy confirmed the young man's habits of application, and thorough devotion to study, matured and developed his mind and familiarized him with the practical side of legal business. It also offered an opportunity, which was earnestly embraced, for a course of general reading, which resulted in his obtaining a considerable degree of familiarity with standard English literature.

In 1837 he was admitted to the bar of his native state and decided to remove to Maine. He immediately put this purpose into execution, and settled in the town of Newfield, county of York. In so doing he acted upon the kind and discriminating advice of Hon. Ether Shepley, then a practicing lawyer in the town of Saco. The place for the commencement of his professional career was well chosen. The town of Newfield was then the centre of an active trade for a considerable section of country. Several lumber mills and tanneries were in successful operation, business of different kinds was active, land titles were unsettled and, as can be apprehended, the services of an industrious and practically equipped lawyer were likely to be put into prompt requisition. He soon found occupation. Strict attention to business and some successes won in trials before local justices, soon brought the young lawyer into public notice, and a better acquaintance with his character and habits soon won for him the respect and esteem of the citizens of Newfield and the surrounding towns. At the time of Mr. Clifford's settlement in Newfield the bar of York county, always of high repute, included a large number of lawyers of distinguished ability, whose reputations are familiar to the members of the profession at the present day. These men were in active practice at the time that Mr. Clifford became also a competitor for rank and honor at the bar. His rise, however, to an honorable station awaited only the result of time and public acquaintance with his abilities, and was rapidly achieved. Soon his reputation extended beyond the limits of the county, and it was not many years before he was known throughout the state as one of its leading professional men.

Mr. Clifford was a Democrat of the old school, and it was not long after his arrival at Newfield before he exhibited a taste and capacity for public life, which was recognized by the citizens among whom he lived. The political prospect, however, was not a bright one for a candidate of Democratic belief. The town was overwhelmingly adverse to Mr. Clifford's political views, and the Democrats hardly counted a score of voters in all. Notwithstanding these formidable odds, however, he secured a nomination to the state legislature in 1830, only three years after his settlement in the town, and was elected as a Democrat by a considerable majority, and defeating an old and influential citizen. This was no temporary or accidental success. He held the confidence of the party he had thus formed until he was elected for four successive terms. During this period of service in the legislature, he was twice chosen speaker, in which capacity he won no little honor as a presiding officer. Soon after this he was appointed attorney-general of the state, and held the position for four years. During his term of office a number of capital cases of grave and difficult character demanded, on the part of the attorney-general, the exercise of the highest professional knowledge and skill. The defences were conducted by some of the best and most prominent lawyers of the Maine bar. But the conduct of the young attorney-general, under these somewhat trying circumstances, demonstrated his extensive knowledge of criminal law, his eloquence and self-command, and his effectiveness and power as a forensic orator.

Soon after Mr. Clifford's residence in Newfield he married Hannah, daughter of Captain James Ayer, one of the most active and influential men in that section of Maine. Mrs. Clifford accompanied her husband throughout the whole of his long public life, survived him by a number of years, and died in 1892.

In 1838 Mr. Clifford was elected a member of the House of Representatives of the Twenty-sixth Congress from the First Congressional district of Maine. At this date he had acquired an extensive reputation as a lawyer and a public speaker, was engaged in a lucrative practice, and was esteemed as one of the leading men of his



state. He was twice elected to represent his district in the Federal Congress. His career in the House of Representatives exhibited in their early maturity, the qualities of character and mind which appear to have shaped his course from the early part of his life. The capacity to master questions of the highest difficulty and importance, coupled with an untiring assiduity, inborn in his nature, formed the lever with which he lifted every burden and overcame every obstacle. In the House his position was that of an able and thoroughly-equipped debater, and his gifts as an impressive and always eloquent speaker as well as his familiarity with parliamentary law, enabled him at all times to command the attention of that body and enforce his views with power. He was a member of the Committee on Foreign Affairs. During his service in the House his speech upon the tariff attracted much attention on account of the profound research and careful study of the subject of which it bore evidence.

In 1846 he was called to supply the vacancy in the cabinet of President Polk occasioned by the resignation of Mr. Mason. This was a position of great responsibility. The war with Mexico was then in progress, and of necessity, public matters of the highest delicacy and importance were constantly before the President and his Cabinet for adjustment and decision. Upon the legal aspects of many of these the attorney-general was called upon to pass. As was his custom in any position, the attorney-general had spared neither time nor effort to familiarize himself with every aspect of our relations with the government and country with which we were at war, and to anticipate as far as possible the time and conditions when our intercourse would again come to be settled upon a basis of peace. President Polk's administration, in view of its policy and measures, cannot be otherwise regarded than as one of the most conspicuous and important. Mr. Clifford's rank in the cabinet of this administration was one of great weight and importance. Under the policy of this administration one of the most extensive acquisitions ever made to the territory of the United States was obtained. This important addition to our domain not only gave to us a vast territory abounding in mineral, agricultural, and other resources, but also put under our jurisdiction an immense stretch of the Pacific coast, thus contributing to impart to the country the character of a great continental power.

Mr. Clifford's familiarity with our relations with Mexico, on the sudden death of Mr. Sevier (who was first named as commissioner to settle the peace with Mexico at the close of the war), indicated him the person best qualified for the duties under that commission. At the earnest request of the President he accepted the appointment, and it was largely owing to his diplomatic skill and tact that the treaty of Guadalupe Hidalgo was arranged with the Mexican government, by which California and the territory known as the Mexican cession became a part of the United States. He was a warm advocate of the annexation of the territory secured; he foresaw the importance of the western country to our grandeur as a nation, the impulse it would give to our development, and the necessity of a western coast line in establishing commerce with the empires of the East. After the adjustment of the terms of the treaty above referred to, Mr. Clifford received the appointment of Envoy Extraordinary and Minister Plenipotentiary to the Mexican Republic, in which office he remained until after the commencement of the administration of General Taylor. At the close of his services as foreign minister he resumed the practice of his chosen profession at Portland, Me., the city which he had selected for his residence, and entered upon a wide field of professional labor. He became engaged in an extensive and varied practice which embraced a wide range of legal questions, and which brought him into contact with the leaders of the profession in the State and Federal Courts. He continued at the bar for a period of nine years.

But the great work of his life, that upon which his fame was principally to depend, had not yet begun. Judge Clifford's early career, previous to his purely judicial life, is perhaps somewhat lost sight of, on account of the conspicuous position he occupied as a Federal judge in his latter years. His life is properly divided into two chapters; the first embracing his career before he became a member of the Supreme Court, the second including his judicial life. Concerning this, one familiar with his history and character says: "He had had a public life of great honor and distinction, a professional career of unqualified success, before he commenced his long service of nearly a quarter of a century, in the Supreme Court. He had been an eloquent and brilliant speaker, he had proved his powers on the stump and in the court, he had ranked as an admirable presiding officer, and had demonstrated his power to shine in the purely political field long before he entered upon that part of his public life which stamped him as a great judge."

In 1858, he was appointed by President Buchanan to the position of associate-justice of the Supreme Court, his commission being dated the 12th of January of that year. At this time all the district judges in his circuit were old men. The dockets were crowded with cases, many of them of long standing, and an enormous amount of labor devolved upon the new judge, but to this accumulation of the business of several years he applied himself with energy and success. One who knew him well writes: "He was bitterly opposed to anything like judicial legislation. He shrank from strong or forcible constructions based on statutory phraseology only. He sought simply for legislative intention. He saw in the court the administrator and expounder of the law and the arbiter of each special litigation. He was content to explain the law as it was, excepting when the question of constitutionality arose. He considered the separate function of the judicial and legislative branches, as imparted by the Constitution, imposed clearly separate duties on each, which he was not at liberty in the minutest degree to disregard. The wisdom or folly of a law enacted by Congress he was not to direct or influence by judicial construction."

Elias Merwin, Esq., in his address before the bar of Massachusetts, commemorative of the life of Judge Clifford, says: "The popular respect for law, upon which a government of laws, and not of men, depends for its safety, in its turn largely depends upon the prestige with which the popular sentiment invests the judicial office. It has become a trite saying that confidence in its judiciary is the sheet-anchor of the republic. Whoever confirms and strengthens that sentiment, whoever justifies and increases the public confidence in the administration of the law, by the conspicuous and life-long example of a just judge, has added another safeguard to the life, liberty and property, and strengthened the pillars of the state. This, as it seems to me, constituted pre-eminently Judge Clifford's claim to our honor and gratitude. His loyalty to the judicial office was unsurpassed. Called to a seat on the Supreme Federal tribunal at a most critical period in the history of that court and of the country, no one, probably, ever assumed the position with a higher estimate of its dignity and importance, nor with a more complete and absolute consecration of himself to the conscientious discharge of its duties. Nurtured in a sturdy school of politics, and holding to his political convictions with tenacity and courage, which characterized all his ultimate conclusions, nevertheless, he never dragged the ermine through the mud and mire of politics, or prostituted his high position to the schemes of political ambition. The vow of continence was upon him. He was content to be a judge. It has been somewhere suggested that he magnified his office. It was thus that he magnified it, and left it, as he found it,—honorable.

There is another feature which marked Mr. Clifford's administration of his

office, which I would gratefully mention. A petulant, impatient and arbitrary judicial method, as we all know, can too easily render it impossible for counsel, even the most practiced and self-poised, properly to discharge their duty either to the court, their clients or themselves. An appropriate judicial demeanor thus becomes something more than a matter of etiquette. It is an important factor in the administration of justice. It is, therefore, with unmingled pleasure we recall the, to-day, uniform kindness and courtesy which have presided over this bench during the last twenty years, as well as in all its previous history. Gentle and considerate, at the same time dignified and self-respecting, Judge Clifford habitually displayed an almost paternal benignity which made it a pleasure for the youngest as well as the oldest to appear before him. His patience was inexhaustible. It was more than passive; it seemed ever to solicit the fullest discussion. He was never a disconcerting, but always a co-operating judge. Argument before him may not always have been soliloquy, but if the judge spoke, it was to ask a pertinent question, to lend his aid at a difficult point, perhaps kindly to inform the bar of some recent decision at Washington, or for a moment to relieve the dreary dullness by some pleasant reminiscence. And thus to the end, with unabated zeal, too often with self-sacrificing fidelity, he strove to fulfill the exacting requirements of his position, so that no man should fail of justice. Disdaining the pensioned repose to which his years and long service entitled him, haunted by no suspicions of impaired vigor or usefulness, the ambition and satisfaction of his life was to work while the day lasted. And so he did,—until the night came and the shadows fell."

In 1877, as the oldest associate justice, he was elected as president of the Electoral Commission charged with the duty of deciding upon the character of the return of the presidential election from the states of Louisiana, Florida, South Carolina and Oregon. Although Mr. Clifford was a firm believer in the fact of Mr. Tilden's election, he conducted the proceedings with firm and unvarying impartiality. He delivered an opinion upon the question of the Florida returns in accordance with that of the minority, but, deeming it unavailing, declined to give any judgment upon the votes of the other contested states.

His opinions form a large part of the forty volumes of Reports, beginning with the latter volumes of Howard and continuing through Black, Wallace, and Otto. His judgments upon the Circuit are embodied in four volumes of "Clifford's Reports," edited by his son, William Henry Clifford, Esq., of the Cumberland Bar. After the death of Chief Justice Chase he was acting Chief Justice until the appointment of Chief Justice Waite.

In his address before the Circuit Court for the Maine district upon the resolutions of the bar relative to the death of Justice Clifford, Hon. Bion Bradbury said, "What Judge Clifford once said in the Supreme Court of the United States concerning Chief Justice Chase, and upon whose life he was speaking, may, with equal fitness, be applied to himself: 'Even when disease had shattered his physical strength, and written its effects in deep and haggard lines upon his countenance, it was unable to rob him of his accustomed air of grandeur, which was merely the outward expression of an elevated and noble nature. Disease, however, overpowered his strength, and he has closed his life rich in honor and highly rewarded by the affection and respect of his countrymen. He died with the armor of duty on, wearing the honors of a great and conscientious magistrate.'"

In the latter part of 1880 Judge Clifford was quite unexpectedly attacked with a serious disease which disqualified him for the labors of his office, and from which he never recovered. The forces of his powerful constitution were exhausted by a life of exceptional labor, and in the following year he passed away.



## ASA CLAPP AND ASA WILLIAM HENRY CLAPP.

ON the corner of Congress and Elm streets in the city of Portland, Maine, there stands a stately mansion built of brick, three stories high, in the provincial style of architecture introduced into New England by Thomas Harrison, an English architect, who came to America with Bishop Berkeley in 1745. This mansion is occupied by Miss Mary J. E. Clapp, the daughter of Asa William Henry Clapp and the granddaughter of Asa Clapp, who bought the estate of Daniel Davis in 1804. Daniel Davis, a native of Barnstable, Mass., was admitted to the bar in 1782 and settled in Portland, then known as Falmouth. He, with George Thacher, Roland Cushing, Timothy Langdon and William Lithgow, constituted for some years the whole bar of the District of Maine.

In the sixteenth century there lived in Dorchester, England, Richard Clapp, whose son, Thomas, born in Dorchester in 1597, arrived in Boston July 24, 1633, and settled in Dorchester, Mass., with his two brothers, John and Nicholas, all of whom became leading men in their various places of residence. Thomas Clapp removed to Scituate, Mass., and in 1647 was made deacon of the church in that town. He signalized his connection with the church by a controversy with Rev. Charles Chauncey on the forms of baptism, which lasted thirty years. By a wife Abigail he had a son Thomas, born March 15, 1639, who married Mary, daughter of Lieut. Joshua Fisher, of Dedham, and removed to Walpole, Mass., where he was engaged in farming. Lieut. Fisher was nine years a deputy, twenty years a selectman and a member of the Ancient and Honorable Artillery Company.

Samuel Clapp, son of Thomas and Mary, was born in 1682, and married first Elizabeth Fisher, and second Bethiah Deane, a descendant of Walter Deane, of Taunton, who was a deputy to the Plymouth Colony General Court in 1640, and twenty years a selectman. Samuel Clapp was a representative in 1733 and also many years a Selectman.

Abiel Clapp, son of Samuel and Bethiah, was born February 7, 1728, and followed the occupation of a farmer in that part of Norton, Mass., which is now Mansfield. He was a soldier in 1749 in the troop of horse commanded by Zephaniah Leonard, and at a later period was a captain in the militia. He married first, April 6, 1758, Bathsheba Pratt, and second, a daughter of Dr. Samuel Caswell, of Norton, by whom he had seven children.

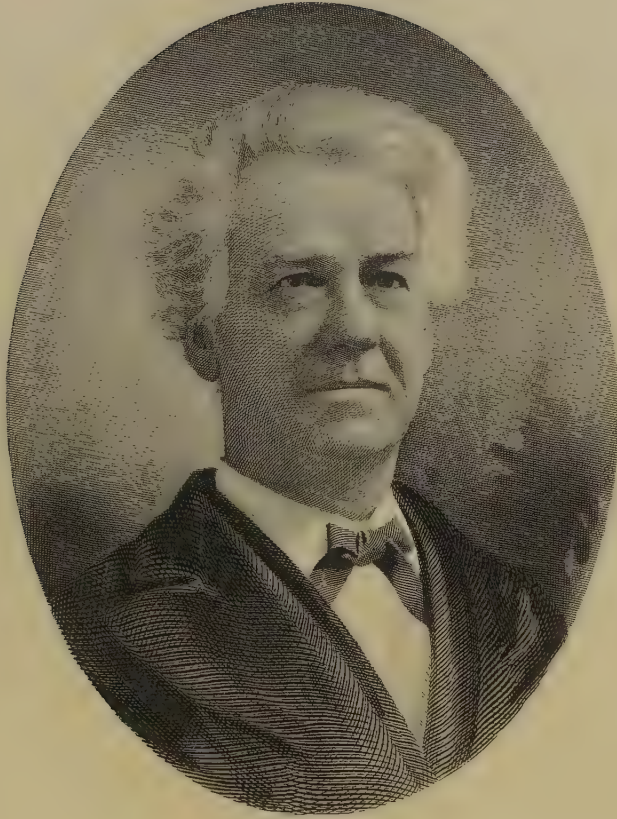
Asa Clapp, in whose memory, in connection with that of his son, Asa William Henry Clapp, these words are written, was the second son of Abiel Clapp, and was born in that part of Norton, Mass., which was incorporated August 23, 1775, as the town of Mansfield. He always retained an interest in his native town, and the bell in the meeting-house of the first parish in Mansfield was a gift from him. When the bell was accepted he was told that it would be rung whenever he came to Mansfield. Being a man averse to display he replied, "Then I will never go to Mansfield." Until fifteen years of age he attended the public schools, and in the spring of 1777 enlisted for a short service in a company commanded by Captain Trow, and afterwards for another short service under the same captain. In 1778 he enlisted for nine months under Captain Hodges, and, as a non-commissioned officer, served under General Sullivan in Rhode Island. Deprived of his parents at an early age, and left entirely dependent upon his own exertions for advancement, within a month after his discharge, he enlisted in a private armed vessel, one of many fitted out in New England to supplement a feeble navy in molesting and destroying British ships. His efficiency



*Asa Clapp.*







*A. W. H. Clapp*



and bravery became so conspicuous that he was soon appointed third officer of a ship of twenty guns, commanded by Captain Dunn, and not long after promoted to the position of first lieutenant. While acting in this capacity his ship became unseaworthy and was in danger of foundering. In this exigency a British merchant ship was encountered, and under cover of darkness a boat's crew under the command of Lieutenant Clapp succeeded in capturing her. Guns, ammunition and supplies, with the crew, were transferred from the leaky to the seaworthy ship and the cruise was resumed.

At the close of the war Mr. Clapp took command of a merchant ship owned by himself at the age of twenty-one, and while in Port au Prince an attack on the town was made by the negroes, during which Captain Clapp, in company with Joseph Peabody, of Slame, rendered efficient service in checking negro barbarities and saving many lives. In 1793 England, Russia, Spain, Prussia and Germany closed their ports against vessels engaged in French commerce, and English captains were instructed to bring into English ports all vessels found bound to ports in France. Under these instructions Captain Clapp was captured by Sir Sidney Smith, and carried with his ship to England. After a detention of six months, his vessel was released by a decree in admiralty, and such were the changing conditions of the times that the capture and detention of his ship and cargo for six months resulted in a profit to the owners, instead of a loss.

In 1796 Captain Clapp retired from the sea and established himself in Portland, where he became extensively engaged in the ownership of vessels and in foreign commerce. Few men in the United States built more vessels, or even as many, and his trade with European ports, the East and West Indies, and South America, has never been equalled in New England. His first home in Portland was on the north corner of Middle and Pearl streets. Previous to that time the land on the corner of Congress and Elm streets was owned by Benjamin Larabee, whose heirs sold it in 1792 to Daniel Davis, who built the house, which he sold in 1805, after his removal to Boston, to Captain Clapp, as has been already stated. When the property came into the possession of Mr. Clapp the house was of two stories, and the law office of Mr. Davis stood in the front yard at the corner of the streets. Capt. Alexander Parris was placed in charge as architect, and the mansion house was enlarged by the addition of a third story and a cupola, and improved by the introduction of a staircase of great elegance. The law office was removed from the yard and an ell erected in the rear. When occupied by Mr. Clapp it was, as it is to-day, a residence which suggests at once to the stranger an occupancy of wealth, comfort, and good taste. Furniture of great cost and beauty, including side-boards, Chippendale chairs, tables, and pier-glasses, some of which were imported, made its furnishings conform to the standard set up by the house itself.

In this house Mr. Clapp lived from 1805 until his death, enjoying the pleasures of a home, which he made cheerful and happy to all its inmates, and dispensing a generous hospitality, not only to his fellow-citizens', but also to distinguished American and European visitors within the limits of whose itinerary Portland was included. On the 15th of July, 1817, President Monroe visited the city, and was entertained on the 16th by Mr. Clapp in a manner gratifying to his distinguished guests, honorable to himself and reflecting credit on the community, of which he was the representative. In 1847, after he had become enfeebled by age, and unable to do the honors of the city, President Polk, attended by his secretary of state, James Buchanan, and Commodore Stewart, paid him the distinguished compliment of a visit in acknowledgment of his high character and the important service which, at



various times during his career, he had as a true patriot rendered to his country. At other times Aaron Burr, Commodore Bainbridge, Judge Levi Woodbury, General Henry Dearborn, his son Alexander Scammel Dearborn, and Montgomery Blair were his guests, and later Hannibal Hamlin, Jefferson Davis, Howell Cobb, Judah Benjamin, Pierre Soule, Gen. George B. McClellan, Admiral Owen, Stephenson the English engineer, Francis P. Blair, and Capt. Gustavus V. Fox, visited the house as guests of his son, Asa W. H. Clapp, and were recipients of a hospitality which no house in New England could more liberally and courteously dispense. Mr. Clapp married March 30, 1787, Elizabeth Wendell, daughter of Dr. Jacob and Eliza Williams Quincy, of Boston, and niece of Dorothy, the wife of Gov. John Hancock. The daughter of a distinguished family, well educated, accustomed to the forms and requirements of society, she always performed her whole share in the entertainment of guests, and in making her home the abode of comfort and happiness. Mrs. Clapp not only carried in her veins the Quincy blood, which in its American channel originated with Edmund Quincy, who came to Boston in 1633, but, through her mother, was descended from Everts Jansen Wendell, of Albany, the founder of the Wendell family, of whose stock Wendell Phillips and Oliver Wendell Holmes were scions. Mr. Everts Jansen Wendell, who arrived at New Amsterdam about 1642, went in 1651 to Fort Orange, now Albany, and became a large land-owner and a magistrate possessing high military as well as civil powers. He married a daughter of Philip de Frienx, marshal of New Netherlands, and was one of the consistory of the old Dutch Church which bore on one of its windows a representation of his coat of arms. Mrs. Clapp was also descended from Maj. Abraham Staats and Johannes Van Brugh, burgomaster of New Amsterdam, who was the ancestor of the Schuylers, Livingstons, Van Rensselaers, Jays and the Morris families.

Mr. Clapp had seven children, Charles and Eliza, who died in childhood; Elizabeth Williams, Frances Billings, Charles Quincy, Mary Jane Gray and Asa William Henry, who shares with his father the tribute of this sketch. He died at his home April 17, 1848, and on the 20th was interred in the Eastern Cemetery. Rev. Ichabod Nichols, pastor of the first church of Portland, Unitarian, of which he was the oldest member, officiated at the funeral, and, during the day, which was one of mourning throughout the city, the flags on the public buildings and of the shipping in port were displayed at half mast. His widow, with whom he had shared during a period of sixty-one years and seven months the joys and sorrows of life, survived until November 21, 1853.

Though reference has been made to the death of Mr. Clapp, it is by no means intended to omit a more extended record of his life. After establishing himself in Portland, he became largely connected with the growing commerce of the United States, and owing to the serious troubles in which the nations of Europe were involved, he rapidly accumulated wealth. To many engaged in navigation the embargo declared by President Madison December 22, 1807, brought serious disaster and in many instances ruin. Ships were laid up in every port with sails unbent, all upper masts and spars lowered to their decks, mast heads covered from the weather with what were called Madison night-caps and hulls a prey to worms, rust and decay. Merchants along the seaboard resisted by the adoption of every means at hand the desolating mandate of the government, but the Admiralty Courts, unswayed by the threatened danger to individual interests, in decisions, which have come down to us full of the spirit of patriotism, manfully sustained the terrible edict. In one of these decisions, Judge John Davis, of the United States District Court for Massachusetts, said, "I lament the privations, the interruptions of profitable pursuits and

manly enterprise, to which it has been thought necessary to subject the citizens of this great community. I respect the merchant and his employment. The disconcerted mariner deserves our sympathy. The sound of the axe and of the hammer would be grateful music. Ocean in itself a dreary waste, by the swelling sail and floating steamer becomes an exhilarating object; and it is painful to perceive by force of any contingencies the American Stars and Stripes vanishing from the scene." Thus with the full realization of the severity of the blow inflicted by the embargo it was sustained by the courts with a heroic patriotism which in these latter days may be profitably recalled.

But Mr. Clapp, notwithstanding his large interests at stake, upheld the government and manfully faced the blast. While bending before it, he did not break like many others about him, and after the storm was over rigged his ships anew, and resumed his career of prosperous activity. During the War of 1812 he subscribed a sum equal to one-half of his property to sustain the finances of the government, and was appointed by Madison to solicit subscriptions for the establishment of the United States Bank, among which his own was the largest within the limits of the district of Maine.

It can hardly be supposed that such a man could have been exempted from calls to serve his fellow-citizens in the performance of public duties. Those were days when the interests of men largely engaged in commercial pursuits were considered identical with those of the state, and when policies calculated to promote them were believed to be the most beneficial to the community at large. There was no jealousy of men of wealth, no appeal to the laboring class to resist the so-called oppression of employers, no irrepressible ambition of unworthy and uncultivated men to serve the public in places for which they were unfitted; but the best men were selected for office, and these were believed to be those who had most at stake. Mr. Clapp was a member of the executive council of Massachusetts during the administration of Elbridge Gerry, from 1810 to 1812, a period of great excitement incident to the preparations for war with Great Britain, and in the performance of his duties displayed the sagacity and wisdom which were ever his characteristics. He was a delegate in 1819 to the convention called to frame a Constitution for the state of Maine, and after the organization of the state in 1820 was several years a Representative.

Aside from his character as a business and a public man, Mr. Clapp in his private life was always respected and beloved by his fellow-citizens. He was always a friend of the poor, and when he felt that by his death his daily ministrations to their comfort would cease, he provided in his will for a gift of \$8,000 to the female orphan asylum in Portland, and another of \$4,000 to furnish fuel to widows and poor women in that city. In the welfare and success of young men in a business career he was specially interested, and not a few of those who have risen to eminence have owed to him a debt of gratitude.

The lesson to be learned from the life of such a man as Mr. Clapp is not that of acuteness of intellect in business. Of that he had an abundance, and it was an important ingredient in his character. Nor is it of integrity alone, though no man ever possessed more, and without it his life would have been a failure. With the possession of these two traits, perspicacity and integrity, his successful career was largely due to the fact that he made a study of his business, and undertook no operations which he did not thoroughly understand. Engaged, as he was, in foreign trade, the geography of the world he thoroughly learned, the characteristics of every port, its depth of water, its shoals, and its liability to storms, the character and habits, and varying wants of every people, the food they ate and the clothing they wore, the cur-

rents of the different oceans, the construction, and rig and cost of ships, the various currencies of the world, and, indeed, every item of knowledge necessary to meet the conditions and contingencies of commerce. His written instructions to shipmasters were such as are unknown to-day, covering, as they did, every emergency liable to occur in a voyage of one or two years. The merchant to-day follows his ship by telegraph into every port, and gives his instructions here and there without the display of that foresight and wisdom which characterized his predecessors. With these words of perhaps an inadequate tribute to the memory of Asa Clapp, the merchant, the patriot, the philanthropist, and the beloved head of a happy and hospitable home, we must, in the remainder of this sketch, portray the character and life of Asa William Henry Clapp, his son.

Asa William Henry Clapp, son of Asa and Elizabeth Wendell (Quincy) Clapp, was born March 6, 1805, in the house on the corner of Middle and Pearl streets, in Portland, which stood until the fire of 1866. Six months after his birth, his father removed to the house on the corner of Congress and Elm streets. He was educated in the public schools of Portland, and at the military and classical seminary, in Norwich, Vermont. This institution was established in 1820, and, at that time, was under the charge of Captain Alden Partridge, a graduate of West Point. Its methods of education were similar to those of the West Point academy, and with an able corps of professors, including the superintendent as professor of mathematics, philosophy and military science; Rev. Rufus William Bailey, professor of ethics and belles lettres; Rev. James W. Woodward, professor of geography and history; James Freeman Dana, professor of chemistry; John M. Partridge, professor of practical geometry, topography and sword practice; E. B. Williston, professor of Greek; Nathaniel Sprague, professor of Latin; Pierre Ferry, professor of French; and W. W. Bailey, professor of music, soon acquired a national reputation, and attracted pupils from nearly every state in the Union.

Mr. Clapp graduated from this institution in 1823, and at once entered the counting-room of his father with the view of acquiring a thorough mercantile education. The period from May to August, 1829, he spent in New York city, and in September of that year sailed for New Orleans from Portland in the ship "Hermitage," of Portland, Badger, master, where he arrived after a voyage of twenty-one days. From New Orleans he went to Mobile, Natchez, Louisville, Memphis, Nashville, Pittsburg, Washington and Baltimore. On his trip up the Mississippi, Henry Clay was a fellow-passenger, and from Nashville he made a visit to the Hermitage, the residence of Andrew Jackson. As his father occupied a high position in the ranks of the Democratic Party, he was in the possession of numerous letters of introduction to leading men active in the support of the Jackson administration, from whom he was the recipient of the most generous hospitality. He kept a journal during his travels, which shows that he possessed a mind eager for information, and abundantly capable of using it to the best advantage. In 1831 he was appointed on the staff of Governor Smith, of Maine, and, in anticipation of a visit by President Jackson in that year, which unforeseen circumstances finally prevented, the arrangements for all the ceremonies attending the visit were placed by the governor in his hands. The high standing of his family in the community, his thorough knowledge of affairs, his acquaintance with the President, and his familiarity with the procedure essential to the prompt and methodical consummation of official ceremonies acquired during his studies at a military school, especially fitted him for the position to which he was assigned.

In 1833 he made a second trip through the southern country, and was a passen-



ger on board a steamboat with President Jackson, when an attack was made on the President by Randolph, an ex-officer in the navy, who had been discharged. When the attack was made, prompt and efficient service was rendered by Mr. Clapp in a spirit which commended itself to all who witnessed it. These trips were made, not so much to gratify a restless desire for pleasure, as to educate himself concerning the geography and people of his country in all sections, and thus to fit himself more thoroughly for the business career which he was destined to follow.

Mr. Clapp married, July 24th, 1834, Julia Margaretta, daughter of General Henry Alexander Scammel Dearborn, of Roxbury, and occupied a house on the northeasterly corner of Cumberland and Elm streets. The marriage took place at the Dearborn family mansion in Brinley place in Roxbury, Mass., and Rev. Dr. George Putnam, the pastor of the First Church, in that town, officiated. Mrs. Clapp was descended from Godfrey Dearborn, who came from Exeter, England, in 1638, and died in Hampton, in February, 1685. Henry Dearborn, a son of Godfrey, married, January 18, 1666, Elizabeth Marion, and died January 18th, 1725. Simon, son of Henry, married, December 5th, 1728, Sarah Marston, and died in 1766, sixty-one years of age. Henry Dearborn, son of Simon, was born in New Hampshire February 22, 1757, and pursued a career which distinguished him as one of the most conspicuous men in New England. He was with Stark at Bunker Hill, with Arnold on the expedition to Quebec, with Gates at Saratoga, at the battle at Monmouth, the surrender of Cornwallis at Yorktown, and at the close of the Revolution commanded the First New Hampshire Regiment. In June, 1784, he removed to Kennebec county, in the district of Maine, and represented that district two terms in Congress. He was secretary of war under Jefferson, and appointed by Madison collector of the port of Boston in 1809. During the War of 1812 he was a major general in the army, and under his command York and Fort George were captured. At the close of the war he was in command in New York, and in 1822 appointed minister to Portugal. In 1771 he married Mary Bartlett, who died in 1778, and March 28th, 1780, he married Dorcas Osgood, widow of Isaac Marble, who died October 17th, 1810. He married again in 1813, Sarah, the widow of James Bowdoin, the founder of Bowdoin College, and died at the family seat in Brinley place, June 6th, 1829.

Henry Alexander Scammel Dearborn, son of Henry Dearborn and his second wife, was born in Exeter, N. H., March 3, 1783, and was about a year old when his father removed to Kennebec county. He spent two years at Williams College and graduated at the ancient institution of William and Mary in Virginia. He studied law in the office of General Mason, at Georgetown, in the District of Columbia, and afterwards in the office of Joseph Story, in Salem, and was admitted to the Essex county bar of Massachusetts in 1807. He began practice in Portland, but soon abandoned his profession. He was soon after engaged in the erection of forts in Boston harbor, and in 1812 was appointed collector of Boston, as the successor of his father, holding the office until his removal by President Jackson in 1829. He was a representative from Roxbury, a member of the Executive Council, a state senator in 1830, and from 1831 to 1833 a member of Congress. In 1820 he was a member of the Massachusetts Constitutional Convention, and in 1834 was appointed adjutant-general of the commonwealth, remaining in office until 1843. When Roxbury became a city, March 25, 1846, he was chosen its first mayor, and remained in office until his death, in 1851. He was a man of unusual foresight, and thoroughly imbued with public spirit, and to his efforts much credit is due for the construction of the railroad connecting Boston with Albany, of the American and St. Lawrence railway, the Hoosac tunnel, and the Mount Auburn, Forest Hills and Roxbury cemeteries.

He was also a prolific writer and the author of publications too numerous to mention. He married, in 1807, Hannah Swett, daughter of William Raymond Lee, of Salem, and died at the home of his daughter in Portland July 29, 1851. The city of Roxbury furnished a lot for his interment in Forest Hills cemetery, named Mount Dearborn, and a monument was erected to his memory by the citizens of that city.

From such an ancestry was Mrs. Clapp descended, and to the traits of mind and character, which came to her by inheritance, was superadded what additional grace and dignity and culture the highest education could furnish. Her literary attainments were of a superior order, perfected by the perusal of the best and latest works in the various departments of knowledge, and illustrated by her unusual conversational powers, adapted to the demands of every circle. From her father came to her a boundless love of nature, and the study of birds, insects, trees and flowers was to her an infinite source of joy. Nor was her interest confined to literary pursuits. Her home was the realm in which she moved as a queen, and the happiness of those within its bounds was her chief end and aim. Next to her home, the families of the poor, the widows and orphans of her city enjoyed her sympathy, the never-ending fountain of substantial aid. Chosen president of the Portland Female Orphan Asylum, she preferred the more unassuming position of manager, and in that capacity she was always its friend and benefactor. She died June 3, 1867, and after her death a long and appreciative obituary was published in the *Eastern Argus*, written by its editor, Col. John M. Adams, and resolutions were passed by the directors of the orphan asylum, containing a loving tribute to the memory of one who, for nineteen years, had been its devoted friend.

Mr. Clapp continued actively pursuing an extensive commercial career until about 1845, when he retired from business, in order to assist in the management of his father's estate. After that time he was called upon by his fellow-citizens to represent them in public positions. Mr. Clapp had been intensely interested in the principles of the Democratic party from his youth. Like the majority of the people of Maine, he had an ardent admiration for General Jackson, which increased with the development of his personal acquaintance with the old hero, and he did his utmost at home to sustain his administration. He mingled with state politics, commanding respect from the leaders of the Democratic party by his energy and executive ability, and their confidence by his intelligent and prudent counsels. With singleness of mind, he sought the success of the principles of the party, and the selection of efficient officials to carry them out in the conduct of the government. Thus one can trace him during many years as a prominent and influential member of the state and national organizations of his party. Effective and enthusiastic in the struggles of its campaign, wielding a graceful and trenchant pen, but demanding nothing for himself in the hours of victory, familiar with the party leaders and chiefs at Washington and at home, his interest in them was that of a public-spirited gentleman, who had no intention of making public service minister to his private interest. He was a delegate in 1848 to the Baltimore National Convention of the Democratic party, which nominated Lewis Cass, and in 1852 was again a delegate to the Baltimore National Convention, which nominated Franklin Pierce for President. In 1847 some party exigency made it desirable that he should be its candidate for Congress, and, yielding to the persuasion of his friends, Mr. Clapp was elected, and served in the Thirtieth Congress. Of his nomination, *The Daily Argus*, of August 28, 1847, said, editorially: "The nomination of Mr. Clapp, by a unanimous vote on the first ballot, proves the high estimation in which he is held, and was a well-deserved compliment."

While in Congress he secured the passage of a bill authorizing the purchase by the Government of the City Exchange in Portland for a custom-house and post-office. After his retirement from Congress resolutions were passed by two branches of the city government thanking him for his efficiency in securing the passage of the bill. But not by this act alone did he manifest his interest in the progress and welfare of his native city. He was extensively engaged, with his brother Charles, in local enterprises calculated to develop its resources and enlarge its business, and no project for the general good failed to receive his influence and aid. From the organization of the Maine General Hospital until his death he was an active, judicious and generous director, contributing to its success by wise counsel, by frequent and liberal aid, and by a lavish use of his time and influence. He left no will, but a written request was complied with by his daughter, Mary J. E. Clapp, his sole heir, by a gift of \$5,000 to the institution. The directors of the hospital, at a meeting held soon after his death, placed on record a tribute to his memory, in which his character was well portrayed. They said: "They hold in reverent remembrance his unfailing kindness, his uniform courtesy, his spotless integrity and high sense of honor, his sound judgment, his devotion to what he esteemed true and right, his charitable spirit and abstinence from censorious speech and unkindly criticism in respect to his fellow-men. Living long in all serenity and dignity even after he had passed within the limits of old age, he seemed in later years like a tradition of what was noble and fine in private, social and public life at an earlier period of the state."

He was also a director of the Portland Public Library, and the Clapp Fund of \$1,000, established by his daughter at his request, is a fitting memorial of his interest in the cause of popular education. The fairs held for the benefit of the General Hospital and for the widows and orphans of soldiers and sailors, were largely inspired by him, and their successful results were in no small measure due to his unremitting efforts. Resolutions passed after his death by the Irish-American Relief Association of Portland, in which he is called "their dear and valued friend," show that his generous sympathies were contracted by no narrow bounds. Nor were his charities confined to associations and public bodies. Of his abundant means he was a liberal giver to those less favored by fortune, and many a poor, discouraged and sorrowful brother man found his needs supplied, his hopes revived and his pains allayed by the gifts of his hand and the warm sympathies of his heart. Young men, especially to whom the future of their lives seemed uncertain and dark, felt his lifting arm, and looked upon him as a father and friend. In his business relations, outside of those of a personal character, he was a director in the Atlantic and St. Lawrence Railway, the Public Library, the Maine General Hospital, the Bank of Maine and the Portland Company; and in these corporations his wise and discreet counsel was held in the highest respect.

Mr. Clapp, after the death of his father in April, 1848, moved into the family mansion, on the corner of Congress and Elm streets, and made that his home until his death. The mansion and the man were fitted for each other. The one, simple in its design, generous in its proportions and arrangements, equipped with costly elegance, and yet in perfect taste, and bearing on its walls the portraits of a high ancestry, suggested a boundless hospitality and a wealth adequate for its support. The other, with an erectness of stature, acquired under military training, taller than the average of men, dignified in bearing, with features showing the refinement, which comes alone by heredity from a polished ancestry, and with a mind and character as stately and dignified as his person, it may be said of him:



"His Life was gentle, and the elements  
So mixed in him that Nature might stand up  
And say to all the world, 'This was a man.'"

In this house Mr. Clapp died, March 22, 1891, at the age of eighty-six. The Rev. Ephraim Cummings officiated at the funeral, and the interment was made in Evergreen Cemetery. The pall-bearers on the occasion were Hon. W. W. Thomas, H. N. Jose, Col. John M. Adams, Judge Webb, Judge Joseph W. Symonds, Hon. George Walker and Samuel Trask.

Mr. Clapp left a large estate, to which his only child, Mary J. E. Clapp, is the heir, who occupies the mansion in Portland, made sacred by her father and grandfather.

### JOSEPH W. SYMONDS.

IN the middle of the last century the Symonds family was a conspicuous one in Danvers, Mass. In January, 1773, at a meeting of the inhabitants of that town, it was voted to choose a committee "to take into consideration our civil privileges and to draw up something proper for the town to act." Francis Symonds was chosen one of that committee. In the next generation, Nathaniel Symonds, of the same family as Francis, removed from Danvers to Denmark, Maine, where a son, Joseph, was born. Joseph married Isabella, daughter of Samuel Jordan, of Raymond, Maine, a descendant from Rev. Robert Jordan, and removed from Denmark to Raymond, in which place he made his permanent home.

Joseph W. Symonds, son of Joseph and Isabella (Jordan) Symonds, was born in Raymond September 2, 1840. When he was four years of age his parents removed to Portland, Maine, and in the public schools of that city he received his early education and fitted for college. He graduated at Bowdoin College in 1860, from which institution he received in 1893 the honorary degree of Doctor of Laws. He studied law in the offices of Samuel and D. W. Fessenden, and of Edward Fox, judge of the United States Court for the district of Maine, and was admitted to the bar in Portland in 1864. He began practice at once in Portland, remaining alone until 1869, when Charles F. Libby became associated with him under the firm-name of Symonds & Libby. He had at that time established himself in the enjoyment of a large practice, in the management of which the services of a partner became necessary. His increasing reputation, not only among his clients, but also among his professional brethren, made him a prominent candidate for judicial honors, and in 1872 he was appointed by Governor Sidney Perham a justice of the Superior Court for Cumberland County. On the acceptance of that office his partnership with Mr. Libby ceased. In October, 1878, he was appointed by Governor Seldon Connor associate justice of the Supreme Court. This appointment, at the early age of thirty-eight years, furnishes abundant evidence of his thorough education in the law and his eminent abilities.

In 1884 Judge Symonds resigned his seat and resumed practice. It is by no means an uncommon occurrence for a seat on the bench to display the limitations of both the ability and temperament of an incumbent, and in such cases a continuance in office is preferred to a professional career, success in which has been proved doubtful by an exhibition of judicial incapacity. But such was not the case with Judge Symonds. The performance of his duties as a judge, while it deepened and strengthened the foundation of his professional character, opened vistas of a wider



*Joseph W. Symonds*







Josiah H. Drummond



field of activity, the cultivation of which would both enhance his reputation and bring returns in a pecuniary way beyond the judicial salary he received. Nor was he disappointed in his expectations. It is not too much to say that no lawyer in Maine is looked upon as his superior, or even his peer. His legal attainments are acknowledged not only in his own state, but far beyond its borders. His reputation, indeed, may be considered a national one, and his presence has become a familiar one in the Federal Courts and in the courts of many states of the Union. Should a vacancy occur in the office of chief justice of the Supreme Court of Maine Judge Symonds would undoubtedly be suggested for the place. It might be doubtful whether he would accept the position, but if he should, it would not be a question of doubt whether that court would maintain the high reputation which it has always enjoyed among the members of the American bar.

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### JOSIAH HAYDEN DRUMMOND.

**A**LEXANDER DRUMMOND, a Scotch-Irish Presbyterian, but a native of Scotland, came to New England in 1729 and settled in that part of Georgetown, Me., which is now Bath. Patrick Drummond, his son, was born June 11, 1694, and came to New England with his father and his wife, and a daughter Ann, who married Rev. William McClenachen. After the death of his first wife he married Susannah, daughter of Rev. Robert Rutherford. John Drummond, son of Patrick and Susannah (Rutherford) Drummond, was born in Georgetown, September 27, 1744, and married Mary, daughter of Daniel and Margaret (Stinson) McFadden, and died in Georgetown, September 10, 1771.

John Drummond, son of John and Mary (McFadden) Drummond, was born in Georgetown, April 13, 1772, and married December 3, 1795, Damaris, daughter of Col. Josiah and Silence (Howard) Hayden. He settled in Winslow, Me., and died December 24, 1857. Clark Drummond, son of John and Damaris (Hayden) Drummond, was born in Winslow, July 5, 1796, and married, June 5, 1821, Cynthia, daughter of Capt. Mordecai and Sarah (Burgess) Blackwell. His occupation was that of a farmer, and he died in Winslow, September 5, 1888, at the age of ninety-two. He had eleven children, of whom the subject of this sketch was the oldest.

Josiah Hayden Drummond was born in Winslow, August 30, 1827, and received his early education at public and private schools, and at the Vassalboro Academy. He entered Waterville College in Waterville, Me., in 1842, and graduated in 1846. This college was chartered by the legislature of Massachusetts, while Maine was a district of that state, as the Maine Literary and Theological Institution, February 27, 1813. On the 5th of February, 1821, its name was changed by the legislature of Maine to "Waterville College," and on the 23d of January, 1867, to "The President and Trustees of Colby University," in honor of Gardner Colby, a benefactor of the institution.

During his college career he became especially proficient in mathematics, a science to which, while at the Vassalboro Academy, he had more particularly devoted himself, and in which he had served as assistant teacher. During the winters of the last three years he taught school, and in the last of these years, was the principal of the academy in the town of China, Maine. After leaving college, he taught China Academy for a year, and the Vassalboro Academy for a year and a half. In 1848 he entered, as a student, the law office of Boutelle & Noyes at Waterville. In October,



1850, he was admitted to the Kennebec county bar, and soon after made a business visit to California, where he was also admitted to practice. In 1851 he returned to Waterville and began practice in the office in which he had studied, Mr. Boutelle having retired, and Mr. Noyes being largely engaged in railroad business. His advance in the profession was rapid, and, as he became gradually a favorite with the people, he was drawn into the paths of public life. He began his career as a Democrat, but at the formation of the Republican party, in 1855, dissatisfaction with the course of his party in matters relating to slavery caused him with others to cast his lot with the new organization. In 1857 he was chosen representative, and, after his re-election for a second term, was made Speaker of the House. In 1859 he was chosen one of the senators for Kennebec county, but soon resigned to accept the position of Attorney-General of the state, which office he held by annual re-elections until 1864, when he declined further service. In 1860 he removed to Portland, and in 1868 was a representative from that city, and again chosen speaker. During his residence in Portland he has served several years as city solicitor, and six years as a member of the School Board. He has devoted himself in his adopted city almost exclusively to the practice of law, and in the acceptance of office has endeavored to restrict himself to such offices as were germane to his profession. In 1876, he was appointed director and attorney of the Union Mutual Life Insurance Company of Portland, and he still holds both positions. To his prudent advice and counsel not a little of the success of that institution is due. It is perhaps not too much to say that had he been inclined to accept further office, the Executive Chair and a seat on the Supreme Bench would have not been beyond his reach.

The service of Mr. Drummond while in the legislature was a useful one to the state. Under an old law, stockholders were made personally liable for debts of a corporation to the amount of their stock. It was the opinion of men best competent to judge, that this law had served to check internal improvements, and had been exceedingly injurious to the business interests and growth of the state. To the repeal of this law, except so far as it related to banking corporations, Mr. Drummond applied his best efforts, and was finally successful. As Speaker of the House, he was the acknowledged master of parliamentary law while serving as a representative from Waterville, and his re-election to that office ten years later, while serving as a representative from Portland, confirmed his popularity and reputation as a presiding officer.

Aside from the routine of his professional life, and in perhaps what may be called his social relations, Mr. Drummond has been especially distinguished in the ranks of Masonry. In 1849 he joined the Waterville Lodge, and was its Master in 1856 and 1857. He was Deputy Grand Master of the Grand Lodge of Maine in 1858 and 1859, and Grand Master from 1860 to 1863. He was made a Royal Arch Mason in Jerusalem Chapter of Hallowell in 1858, and its second officer in 1859. In 1862 he was High Priest of Greenleaf Chapter of Portland, and from 1860 to 1867 officer in the Grand Chapter of Maine, and Grand High Priest in 1866 and 1867. In 1871, he was General Grand High Priest of the General Grand Chapter of the United States, and in 1880 was the Grand Master of the General Grand Council of the United States, holding each of those offices three years. In 1861 he received the Cryptic degrees in the Portland Council, and in 1868 presided over the Grand Council. In 1860 he became a Knight Templar in Maine Commandery at Gardiner, and Captain-General in the same year. In 1866 he helped to form St. Alban Commandery, and in 1867 was its first Commander. He has been Grand Commander in the Grand Commandery of Maine, and in 1861-62 received the degrees of the Ancient and Accepted Scot-



*John M. Adams*





tish Rite, and in the latter year the 33rd degree, whereby he became an honorary member of the Supreme Council of the Northern Jurisdiction of the United States. He was at once chosen Lieutenant Grand Commander, and was re-elected in 1863 and 1866. In 1867 he was made Sovereign Grand Commander of the Supreme Council for the above jurisdiction, the highest office in Masonry, and held the office twelve years by triennial elections. When he entered the Waterville Lodge in 1849, there were sixty thousand Masons in the Union, and at the present time their number is nearly a million. In the literature of Masonry, Mr. Drummond has also rendered important service in the publication of a Monitor and Digest of Masonic law. His Reports on Correspondence for over thirty consecutive years have made his name a household word throughout the Masonic ranks of both Europe and America, and so far as this country is concerned, he stands next to Thomas Smith Webb, the founder of American Masonry, among the leaders of the order.

Mr. Drummond is vice-president of the corporation of Colby University and *ex officio* chairman of its board of trustees; in 1871 he received from that institution the degree of LL.D. He was a director in the Maine Central Railroad from 1866 to 1871, and since 1866 has been the clerk of the corporation.

Mr. Drummond married, December 10, 1850, Elzada Rollins, daughter of Benjamin Wadleigh Bean, and has had four children: Myra Lucetta, born August 31, 1851; Josiah Hayden, Jr., March 5, 1856; Tinnie Aubigne, April 17, 1863, and Margelia Bean, June 11, 1866. Josiah Hayden, Jr., graduated at Colby University in 1877, and, after his admission to the bar in 1879, became associated with his father, and is still his partner.

*The Portland Transcript*, in closing a notice of Mr. Drummond, in its issue of August 9, 1893, said of him that "he has been endowed with unusual physical, as well as mental health and strength, and presents an example of combined physical, mental and moral superiority that the *Transcript* is glad to recognize as constituting one of the pillars of Portland."



## JOHN MILTON ADAMS.

**C**OL. ADAMS is descended from early Puritan stock. William Adams, his first American ancestor, appeared in Cambridge in 1635, and in 1640 had become a resident in Ipswich, Mass. He lived in that part of Ipswich which is now Hamilton, and died in 1662. He had six children, William, John, Samuel, Hannah, Mary and Nathaniel. Nathaniel Adams, the youngest child, was born in Ipswich in 1641, and married, August 11, 1674, daughter of Thomas Dickenson, of Rowley, Mass. He had seven children, Nathaniel, Thomas, Mercy, Sarah, William, Mercy again and Samuel, and died in Ipswich April 11, 1715. Thomas Adams, the second child, was born in Ipswich June 14, 1672, and by a wife Bethiah, had nine children, Bethiah, Sarah, Thomas, Joseph, Lydia, Elizabeth, Benjamin, Charles and Bethiah again. The date of his death, which occurred in Ipswich, is not known. Thomas Adams, the third of the above children, was born in Ipswich August 31, 1699, and had five children, Thomas, Ezekiel, Ephraim, Benjamin and Joseph. Ezekiel Adams, the second child, was born in Ipswich April 23, 1725, and in 1748 married Judith, daughter of Nehemiah Preston, of Rowley. He removed to Beyerly, Mass., where probably he died, December 15, 1793. He had ten children, Ezekiel, Rachel, Joseph, Benjamin, Nathan, Stephen, Isaac, Judith, Anna and Nehemiah. Nathan Adams,

the fifth child, was born, probably in Beverly, December 1, 1757, and married, December 1, 1785, Betsey, daughter of Eben Poor, of Andover, Mass., and in June, 1799, he married Mary Bartlett, widow of Jonathan Bartlett, of Bethel, Me., and daughter of Capt. Josiah Shaw, of Standish, Me. He was a cabinet-maker, and lived for a time in Andover, Me., in Bethel, Me., and in Rumford, Me. He had eight children: Eliza, Nathan, Eliza again, Charles, Susan Poor, Charlotte, Isaac and Harriet, and died in Mexico in March, 1831. He served in the Continental Army through the Jersey campaign, and was a witness of the execution of Major André.

Nathan Adams, Jr., the second of the above children, was born January 28, 1788, and married March 17, 1817, Susan, daughter of Ezekiel Merrill of Andover, Mass., a Revolutionary soldier who served in the campaign resulting in the capture of Burgoyne at Saratoga. He was a farmer and removed with his father to Rumford, where he died January 26, 1830, on the homestead, which his father had bought of John Stevens, of Concord, Mass., in 1803. He had six children: Milton, born April 15, 1818, who died September 7, 1819; John Milton, born September 22, 1819; Charles, born July 10, 1821, who died November 14, 1845, unmarried; Nathan Emery, born April 2, 1824, who died December 30, 1840; Susan Merrill, born July 15, 1826, who married June 15, 1849, Dr. George L. Peaslee, of Wilton, Maine, and died December 16, 1871; and Henry Smith, born August 7, 1828, who died in Cuba June 2, 1854. Mrs. Adams, the wife of Nathan Adams, Jr., and the mother of the above children, was born in Andover, Me., July 13, 1791, and died in Wilton, Me., May 1, 1868.

Col. John Milton Adams, the subject of this sketch, the second son of Nathan and Susan (Merrill) Adams, was born in Rumford, Me., September 22, 1819. Until he was ten years of age he attended the public schools of his native town, but after the death of his father, which occurred January 26, 1830, as the oldest living son, his services were needed on the family farm. At the age of fifteen he entered a grammar school in Turner with the view of fitting for college, and later pursued his studies at Bridgeton Academy and Gould's Academy in Bethel, Me.

At the age of seventeen he undertook the instruction of a district school in Bethel, and thus earned his first money in the employment which was to furnish him with the funds for procuring that thorough education which he had resolved upon, and which he never tired in the pursuit of. He then went to Brunswick, where as a room-mate with a cousin then in Bowdoin College, whose chum, the late Gov. John A. Andrew, was absent teaching school, he resumed his studies preliminary to entering that institution. Finding, however, that a two years' course in Greek was one of the requisite qualifications for admission, he abandoned the idea of a college life, and from 1839 to 1841 held a position as instructor in the academy at New Market, Maryland. He then returned home, and after a period of doubt as to his course in life entered the seminary in Gorham, Me. He remained in that institution two years, pursuing during the second year the same studies except Greek, which made up the curriculum of the senior class in Bowdoin. After leaving Gorham he was induced to follow the advice of a relative engaged in business in Canada to enter the college of Saint Hyacinthe, in the town of that name about forty miles from Montreal. While at Saint Hyacinthe he boarded in the family of a brother of Louis Joseph Papineau, the distinguished Canadian statesman. Louis Joseph participated in the rebellion against the imperial government, and an order for his arrest for high treason having been issued he fled to the United States in 1837 and was at that time living in Paris, France. His wife and daughter were living in Saint Hyacinthe, and in their home of wealth and luxury Mr. Adams was an ever-welcome guest. Hav-

ing acquired a good knowledge of the French language, he left the college in 1843, and returning to Maine entered as a student of law the office of Samuel Fessenden and Thomas A. Deblois. While studying law he was an instructor for a time in the Packard ladies' school, of which a brother of Professor Packard, of Bowdoin College, was principal and a teacher in other schools during their winter terms. He was admitted to the Cumberland county bar at Portland in 1846 and practiced successfully alone until 1848, when he became a partner of John A. Poor.

While with Mr. Poor the plan of building a railroad from Portland to Montreal was agitated, and Mr. Poor, the projector of the enterprise, gradually abandoned his law practice and devoted all his energies to the consummation of the project. The superior advantages of Portland over Boston as a seaboard terminus in the winter were advocated successfully by him, and the fact that it was necessary in the winter of 1843 and 1844 to cut a canal through the ice of Boston harbor from East Boston, nine miles to the outer bay, on which Mr. Poor laid much stress, while the harbor of Portland was always free, contributed largely towards the final decision on the part of Canadian capitalists to adopt the Portland route. Mr. Adams attended the first meeting held in Portland to launch the enterprise, and the topographical knowledge of Canada, which he had acquired during his residence in Saint Hyacinthe, proved of essential service in the surveys. In the settlement of land damages, along the route of the road, he acted as the attorney for the contractors, and in the many suits which they involved he found full occupation.

In 1850, he was induced by Hon. Wm. H. Clapp, then a member of Congress from Maine, to take charge of a nephew and ward of his on a visit to Europe, and between November in that year and June, 1851, nearly all the chief cities in England and on the continent were visited. Possessing keen powers of observation, his stock of general information was thus largely increased, and a broader foundation was laid for the career, which he was unconsciously destined to pursue. He listened to parliamentary debates in London, Paris and Turin, and became familiar with the personal appearance of the most noted personages. As a correspondent of *Poor's Railroad Gazette* he described the railroad systems of Europe, and the situation of public affairs after the political upheaval of 1848. On his return home he resumed practice with Mr. Poor, who, however, not long after left the firm and devoted himself to railroad pursuits. In 1855, Hon. John Appleton, the editor of the *Eastern Argus*, a newspaper published in Maine, and the leading Democratic journal in that state, was appointed secretary of legation under James Buchanan, the American Minister in England, and Mr. Adams was selected to temporarily take his place. The *Argus* was established to support the administration of Thomas Jefferson, and had always commanded great influence in the ranks of the party, of which it was the organ. Mr. Adams took editorial charge in season to take part in the exciting state campaign which resulted in the election of Samuel Wells, the Democratic candidate for governor in September, 1855. Unsolicited, Governor Wells appointed him reporter of decisions of the Supreme Court of Maine, and he edited volumes 41 and 42 of the Maine Reports.

Mr. Adams continued, however, his practice while reporter, and, becoming a partner with Nathan Clifford, continued with him until Mr. Clifford was appointed by President Buchanan, in 1857, associate justice of the United States Supreme Court. While with Mr. Clifford, Mr. Adams was solicited to take permanent editorial charge of the *Argus*, which was then owned by seven proprietors, among whom were Mr. Clifford and Mr. Shepley, later Judge Shepley, of the United States Circuit Court. He at first declined, but, urged and advised by most trusted



friends, he finally accepted the appointment, and, abandoning the law, entered upon the harder profession of journalism in May, 1857. Early in his newspaper career he began to buy out the proprietors, and, after the great Portland fire, in July, 1866, he bought the remaining shares, and since that time has been the sole owner, and it is now under the general direction of Mr. Adams. The *Argus*, established as it was in 1803, [during the first administration of Thomas Jefferson, has, during its life of nearly a century, with unflinching consistency, always advocated and supported those underlying principles of the Constitution which have characterized the Democratic party of the country, and in so doing, honestly and conscientiously, has not only wielded an influence in its own party, but has always held the respect of the parties which at different times it has antagonized. Under the guiding hand of Mr. Adams its roots have struck deeper than ever before, and at no time during its career has its influence and power been greater than now. As an investment, its purchase by Mr. Adams has proved a fortunate one, and the farmer boy of Rumford is now living in a home overlooking Portland, in which comfort and luxury tell their story of his financial success.

Mr. Adams has never sought political office. His function has been rather to help others to obtain political prizes than to grasp them for himself. During the administration of Governor John Hubbard, which covered the years 1850-51-52, he was a member of his staff, and thus acquired the title of colonel. He was a member of the legislature in 1877 and 1878, and in both years was a member of the committees on finance and on the judiciary. In the second year he was the Democratic candidate for Speaker. He has been repeatedly solicited to run for governor and for Congress, but owing to the multiplicity of his cares, he has always declined. His military service has been confined to the state militia, in which, during the Aroostook war, he was orderly sergeant, and afterwards colonel. Since the chief editorial care of the *Argus* has been placed by him in other hands, he has found time to gratify his tastes in the culture of fruits vegetables and flowers in which, during the summer, his well-cultivated grounds abound.

In 1888 he was appointed by President Cleveland one of the Board of Visitors to the United States Military Academy, which consisted of General H. W. Slocum, of Brooklyn, N. Y., president; Dr. A. J. Battle, of Macon, Ga., secretary; Hon. Edward A. O'Neal, of Florence, Ala.; Henry Flanders, of Philadelphia; Professor W. D. F. Lummis, of Perry, Iowa; Hon. John M. Adams, of Portland, Maine; and Hon. Peter White, of Marquette, Mich., appointed by the President; Hon. S. M. Cullom, of Springfield, Ills., and Hon. John M. Reagan, appointed by the President of the Senate; and Hon. R. W. Townsend, of Shawneetown, Ills.; Hon. Ashbel P. Fitch, New York city, and Hon. Henry Bacon, of Goshen, N. Y. In the organization of the board Mr. Adams was appointed on the committees on "Admissions and Appointments," and on "Cadets and Supply Department," and the unanimous report of the board secured the inauguration of reforms which have added largely to the efficiency of the institution.

One of the chief interests of Colonel Adams has been the welfare of the public schools. His father and mother, and he himself, had been school teachers, and at various times he has served on the Portland School Board and as County Superintendent of Schools. His interest in the cause of education has been practically illustrated by pecuniary aid to several students in passing through their college course.

Colonel Adams married, September 16th, 1850, Mrs. Sophia E. (Wattles) Preble, widow of Edward E. Preble, a son of Commodore Edward Preble, of the United



*Chas. C. Thomas Jr.*





States Navy. She was a native of Alexandria, Virginia. On the 18th of April, 1867, he married Adele Sophronia, daughter of William Whitman and Sarah Farrington (Merrill) Hobbs, of Norway, Maine. The second wife has been the mother of five children, Susan Merrill, born May 13th, 1870; Sarah Whitman, born February 3d, 1874; John Milton, born June 11th, 1877, and died December 18th, 1892; Adele Hobbs, born July 20th, 1880; and Charles Henry, born March 21st, 1883.

### W. W. THOMAS, JR.

**H**ON. WILLIAM WIDGERY THOMAS, JR., of Portland, Maine, ex-Minister to Sweden and Norway, is a gentleman who has acquired distinction in the diplomatic service, and has won laurels as an author and public speaker. He comes of an old Portland family—in fact, the oldest, for he is a descendant in the ninth generation of George Cleeve, the first white settler of the city, and Governor of the ancient Province of Ligonias, afterwards included in the state of Maine. He is a brother of General H. G. Thomas, United States Army, a son of W. W. Thomas, Sr., Mayor of Portland, and grandson of Elias Thomas, Treasurer of Maine, who married Elizabeth, daughter of William Widgery, Judge, and Member of Congress. On his mother's side, he is descended from Dr. John Goddard, of New Hampshire, who declined a United States senatorship.

William W. Thomas, Jr., was born in Portland, in 1839. He received his earlier education in the public schools of this city, entered Bowdoin College in 1856, and was graduated with the highest honors in 1860. During his college course, at the age of eighteen he taught a winter district school for three months and a half in a little red school-house near the shore of Cape Elizabeth.

Immediately after graduation he commenced reading law, but in the spring of 1862 left his studies, and, as United States bearer of despatches, carried a treaty to Turkey. He became Vice-Consul-general at Constantinople, then Acting Consul at Galatz in the Principality of Moldavia, and before the close of the year was appointed by President Lincoln one of the thirty "war consuls" of the United States, and sent to Gothenburg, Sweden. For his services as consul he received from Secretary William H. Seward "the special thanks of the Department of State." Resigning his consulship, he returned to America in the autumn of 1865, was admitted to the bar in 1866, and at once won distinction as an advocate.

Mr. Thomas, during his three years' residence in Sweden, acquired the Swedish language, and became familiar with the history, manners and customs of the people. On his return to his native land he persistently advocated Swedish immigration to Maine, and presented the first definite, practical plan for the purpose. The legislature of 1870 passed an act authorizing this plan to be tried. Mr. Thomas, receiving the appointment of Commissioner of Immigration, proceeded to carry it into effect. He visited Sweden, recruited a colony of fifty-one Swedes, sailed with them over the ocean, lead them up the St. John river in flatboats, and on July 23, 1870, founded the prosperous settlement of New Sweden in the primeval forest of his native state. Here he lived in a log cabin with his Swedish pioneers for the better portion of four years, directing all the affairs of the colony until its success was assured. The colony has rapidly increased, and has constantly attracted Swedish immigration into Maine and the other New England states. 1895 Maine's Swedish colony numbered fifteen hundred souls, owning real and personal property worth three quarters of a million

dollars, while fifteen hundred more Swedish immigrants were settled in other parts of the state. New Sweden appropriately celebrated the decennial and the quarter-centennial anniversaries of its settlement, and on both occasions Mr. Thomas was the orator of the day.

The city of Portland elected Mr. Thomas a member of the Maine legislatures of 1873, 1874 and 1875. In the first session he made his mark as an able and courageous debater, and in the two later sessions he presided over the House as speaker. He was also senator from Cumberland county in 1879, but declined a renomination. In 1875 he was president of the Maine State Republican Convention, and in 1880 a delegate to the memorable Republican National Convention at Chicago, which nominated General Garfield for the Presidency. On July 4, 1883, he delivered the oration at the quarter-millennial celebration of the founding of Portland by his own ancestor, Cleeve. Mr. Thomas had already been appointed Minister-Resident to Sweden and Norway; and on July 19th, the eve of his departure for his foreign post of duty, the sympathy and good will of his fellow-citizens found expression in a public dinner given to him under the auspices of the Cumberland bar and the merchants of Portland.

Mr. Thomas resided at Stockholm as American Minister until the close of President Arthur's administration in 1885. He was the first Minister to Sweden to address the king in his own language, the first to hoist the American flag at Stockholm, and the first to effectively assist in starting a line of direct steamships between Sweden and the United States.

On leaving the Northland, Mr. Thomas was honored by a public farewell banquet given him by many of the first citizens of the Swedish capital at the pavilion of Hasselbacken in the Royal Deer Park. The pavilion was decorated with American flags, and the band of the Royal Second Life Guards played American national airs.

In 1887 he again visited Sweden, and married Dagmar Elizabeth, daughter of Ragnar Törnebladh, knight and nobleman, member of the Upper House of the Swedish Parliament, and manager of the National Bank of the Kingdom of Sweden. The year after Mr. Thomas was orator at the great Swedish celebration at Minneapolis, where more than forty thousand Swedes assembled to commemorate the two hundred and fiftieth anniversary of the first Swedish settlement in America, New Sweden on the Delaware, founded by Gustavus Adolphus. This was the largest gathering of the Swedish race that has ever taken place on the American continent.

In March, 1889, Mr. Thomas was appointed by President Harrison Envoy Extraordinary and Minister Plenipotentiary to Sweden and Norway. He and his young Swedish wife were welcomed back to the Northland with distinguished honors by both king and people. During his second term he helped secure the appointment of a Swedish jurist as chief justice of Samoa under the treaty of Berlin, and a Norwegian statesman as member of the Tribunal of Arbitration between the United States and Great Britain on the question of the fur-seal fisheries in Behring Sea. On September 14, 1890, on the deck of the American man-of-war "Baltimore," lying in the harbor of Stockholm, Minister Thomas, in an eloquent address, delivered the honored ashes of the great Swedish-American, John Ericsson, to the king and people of Sweden.

During Mr. Thomas' second term a freer market for American products was opened in Sweden, the Riksdag voting, in 1892, to reduce the duties on both grain and pork by one-half. It was at his own suggestion, made to the Department of State in 1890, that Mr. Thomas received instructions under which he commenced

negotiations with the governments of the United Kingdoms that resulted in the full and satisfactory extradition treaties of 1893 between the United States and both Sweden and Norway.

Mr. Thomas is an attractive public speaker, and from the political "stump" or lecture platform has addressed large audiences in nearly all the northern states in both the English and Swedish languages. He is also widely known as an entertaining writer. He published in 1869 a translation of an historical novel, "The Last Athenian," from the Swedish of Victor Rydberg, for which he received the special thanks of the king of Sweden and Norway; and he has written many spirited articles for *Harper's Monthly*, the *Cosmopolitan*, and other magazines and periodicals. His greatest literary work, however, is "Sweden and the Swedes," a richly illustrated volume of seven hundred and fifty pages, published in 1892 in both America and Sweden, printed in both the English and Swedish languages. This book has met with a flattering reception and large sales on both sides the Atlantic, and is characterized by the Swedish press as "the most correct and at the same time the most genial description of Sweden and its people ever published in any language."

Mr. Thomas is a keen follower of the chase and a lover of all out-door manly sports. He has laid low the bear in the backwoods of Canada and the elk in the forests of Sweden. On September 29, 1893, when hunting in company with the Emperor of Germany and King Oscar on Hunneberg Mountain in Sweden, Mr. Thomas had the good luck to shoot four noble elk, as large and grand as the moose of America. During this hunt Emperor William was exceedingly gracious toward the American minister, frequently chatting and jesting with him in the most unconventional and democratic manner; and soon after his return to Berlin the emperor sent to Mr. Thomas his portrait "as" (to use the emperor's own words) "a token of special sympathy and a souvenir of the personal meeting with you on the Hunneberg hunt." The painting is inscribed by the emperor's own hand, "*Wilhelm, Imperator Rex.*"

Mr. Thomas was recalled from the Swedish and Norwegian mission by President Cleveland in 1894. At a farewell audience Mr. Thomas was presented by King Oscar with his portrait, a magnificent life-size painting, personally inscribed by the king. On his return to America in October, he was welcomed back to his native land by a public reception and banquet, given in his honor by the leading Swedish-Americans of the state of New York at the house of the Swedish Engineers' Club, in Brooklyn.

During the winter of 1894-95 he delivered addresses upon "Sweden and the Swedes" in more than fifty cities and towns, in sixteen different states of the Union. He was everywhere greeted by large and enthusiastic audiences, frequently numbering several thousands. In many cities he was honored by public receptions and banquets, United States senators and governors of states presided at his meetings, and his entire lecture tour from the Atlantic to the Rocky Mountains was one continued ovation.

Of Mr. Thomas it can with truth be said that no other native American ever acquired so intimate a knowledge of Sweden and the Swedes. None ever accomplished so much by both tongue and pen in making Sweden and the Swedes known and honored throughout America, and none is more widely known or more highly respected by the Swedes in both the Old World and the New.

Mr. Thomas is a member of the Maine Historical Society, the Swedish Geographical Society, His Majesty King Oscar's Shooting Club, the Royal Swedish Yacht Club, the Idun (a Swedish literary club), the Portland Fraternity Club, and he was one of the founders of the Portland Yacht Club.



Mr. Thomas has led a life of many-sided activity and of honorable achievement. Though but of middle age, he has been lawyer, legislator, founder of a community, Consul, diplomat, orator, and author; and in all he has been a success. He has contributed to the common weal, and has been an important factor in social advancement.

### EDWARD ALLING NOYES.

**M**R. NOYES, who for many years has been the treasurer of the Portland Savings Bank, and is now president of the Associated Savings Banks, of Maine, is descended from Rev. William Noyes, of Cholderton, Wiltshire, England. His son, Nicholas, born in England in 1614, came to Massachusetts with his brother in 1634, and married in 1640 Mary Cutting, and died in 1701. Cutting Noyes, son of Nicholas, born in Newbury, September 23, 1649, married, February 25, 1674 Elizabeth Knight, and died October 25, 1734, Joseph Noyes, son of Cutting, born January 21, 1689, married, August 17, 1711, Jane Dole, and died February 14, 1755. He removed in 1730 from Newbury to Portland, Maine, and bought the farm on the Neck, now owned by the Deering family. Josiah Noyes, son of Joseph, born September 8, 1712, married Mary Lunt, and had a son Joseph, who was born September 14, 1740, and died October 13, 1795. Joseph married 1st, July 28, 1763, Anne Moody; 2d, November 23, 1767, Mary Cobham; and 3rd, Elizabeth Turell. He represented the Falmouth district in the Provincial Congress during the Revolution. Jacob Noyes, son of the last Joseph and Mary Cobham, his wife, was born in Portland, where he married, March 20, 1797, Anne Jones, and died June 29, 1820. Joseph Cobham Noyes, son of Jacob and Anne (Jones) Noyes, was born in Portland, September 22, 1798, and married, December 30, 1823, Mary Ilsley, and 2nd, July 10, 1838, Helen Maria Alling. He was a member of the Twenty-fifth Congress from the Eastport district, and, after his removal to Portland, was for some years in the wholesale flour trade, and about 1859 was elected treasurer of the Portland Savings Bank, and died July 28, 1868. His second wife was granddaughter of Major John Webb, an officer of the Revolutionary Army.

Edward Alling Noyes, son of Joseph Cobham and Helen Maria (Alling) Noyes, was born in Eastport, from which place his father afterward removed to Portland, October 6, 1839. He was educated at the public schools and trained for an active business life. In April, 1859, he entered as clerk the Portland Savings Bank, of which his father was then treasurer, where he remained until 1863, when he was appointed teller of the Manufacturers' and Traders' Bank of Portland.

In 1868 he was appointed assistant treasurer of the Portland Savings Bank, and in 1876 treasurer of that institution. He is still in office, and, during the twenty years of his administration, the bank has largely increased its business, and by its skillful yet conservative management has won a high reputation among the financial institutions of Maine. It was organized in April, 1852, and its officers at the present time are Franklin R. Barrett president; Weston F. Milliken, F. R. Barrett, Sidney W. Thaxter, James P. Baxter, Charles S. Fobes, Wm. H. Moulton, Edward A. Noyes trustees; Edward A. Noyes treasurer, and A. A. Montgomery assistant treasurer. As in all savings banks, its management has been chiefly in the hands of the treasurer, and as an illustration of the satisfactory results of its operations since he entered the office of treasurer, it may be stated that a deposit of \$200 made May 1, 1875, about six months prior to his election, had increased by the addition of dividends alone to \$495.94 on the first of February, 1896. At the above



*Edward A. Noyes*







*John Taylor Gilman.*



date the deposits to the credit of 26,166 depositors amounted to \$8,396,119.10, the Reserved Fund to \$345,000.00, and the profits to \$121,183.66. The investments of the bank are of the most conservative character, and among the items are \$1,100,000 in U. S. bonds at par, \$2,462,400 in city and county bonds at par, \$1,913,900 in railroad bonds at par and \$1,156,597 loans with collaterals.

But Mr. Noyes has occupied many other positions of trust besides that of treasurer of the Portland Savings Bank. He was librarian of the Portland Public Library from the time of its organization in 1867 to 1878, and is now its treasurer; is a director and member of the finance committee of the Union Mutual Life Insurance Company of Maine; president of the Associated Savings Bank of Maine; director and vice-president of the Portland Safe Deposit Company, and director of the Municipal Security Company of that city. To an extent only restricted by a strong disinclination to enter political life, he has held public office, having been from 1882 to 1884 a member of the common council of Portland, and from 1884 to 1886 a member of its board of aldermen, serving in 1885 and 1886 as chairman of the Board.

Mr. Noyes married, November 5, 1863, Julia A., daughter of John Edwards, and granddaughter of Lieut. Thomas Edwards, the first judge advocate-general of the Revolutionary Army. He has had seven children: Helen A., born August 3, 1864, the wife of Winthrop Jordan; Marion, born January 20, 1866, who died in April, 1867; Mary W., born May 31, 1868 who died March 1, 1889; Charles E., born September 1, 1860, now a teller in the Portland Savings Bank; Julia E., born January 21, 1873; Joseph Cobham, born October 29, 1875; and Sidney Webb, born September 27, 1879.

Mr. Noyes is in the prime of life, in the possession of physical and mental powers as yet far from the point of their impairment by age, and in the enjoyment of the deserved esteem and confidence of his fellow-citizens.

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### JOHN TAYLOR GILMAN.

**J**OHN TAYLOR GILMAN, for many years a distinguished physician and surgeon residing in Portland, Maine, and enjoying a practice extending far beyond its borders, was descended from Edward Gilman, of Hingham, England. The ancestor arrived at Boston, in the ship "Diligent," August 10, 1638, and settled soon after in Hingham, Mass. He remained in Hingham until 1641, when he removed to Seekonk, Mass., and in 1647 to Ipswich, Mass. He finally settled at Exeter, N. H., and there died in 1681. His son John, born in Hingham, England, in 1624, came to New England with his father, and with him, finally made Exeter his permanent home. He was there extensively engaged in the lumber and milling business, and, after the separation of New Hampshire from Massachusetts, in 1680, he was councillor, a representative, and in 1693 the speaker of the House of Representatives. He died in Exeter in 1708, at the age of eighty-four. His great-grandchild, Nicholas Gilman, was born in Exeter, October 21, 1731, and married Ann, daughter of Rev. John Taylor, of Milton, Mass., and Elizabeth, daughter of Rev. Nathaniel Rogers. He was state treasurer from 1775 to 1782, continental loan officer, member of the committee of correspondence and safety, and councillor from 1777 until his death, which occurred April 7, 1783. He had three sons, John Taylor, Nicholas, and Nathaniel, all of whom were distinguished in the annals of New Hampshire. John Taylor, born in 1753, was an officer during the Revolution, a delegate to Hartford in 1780, a member of the Continental Congress in 1782-3, and in 1783, at the death of



his father, succeeded him as state treasurer. He resigned the latter office to engage in the performance of other public duties, and was rechosen state treasurer in 1791. The crowning event of his career was his election as Governor of New Hampshire, which office he held from 1794 to 1805, and from 1813 to 1815. His brother, Nicholas Gilman, born August 3, 1755, was a delegate to the Continental Congress from 1786 to 1788, a member of Congress from 1789 to 1797, and United States senator from 1805 until his death, May 2, 1814. His younger brother, Nathaniel Gilman, born November 10, 1759, succeeded his father as loan officer. He was a member of the State Senate in 1795 and 1802, a representative in 1804, and state treasurer from 1805 to 1814, except during the two years 1809-10. He married first December 29, 1783, Abigail, daughter of Rev. Woodbridge Odlin, who died, August 10, 1796, and second, Dorothy, daughter of Nathaniel Folsom, of Portsmouth, N. H., who died February 22, 1859. He died in Exeter, January 26, 1847. It is remarkable that three brothers, and the only sons of their parents, should have won the distinction attained by them and become such important factors in the healthy and substantial growth of their state. If there is any basis of truth in the principles and laws of heredity, it is certain that the blood flowing in their veins must have had its source in those of a noble ancestry.

John Taylor Gilman, the subject of this sketch, was the son of Nathaniel and Dorothy (Folsom) Gilman. He was born in Exeter May 9, 1806, and received his early education in the public schools and at Philip's academy in his native town. He graduated at Bowdoin College in 1826, and soon after leaving college entered as a medical student the office of Dr. William Perry, of Exeter, finally attending the lectures of the medical school of Bowdoin College, and receiving his diploma from that institution in 1829. In order to still further perfect himself in his profession, he attended medical lectures in Philadelphia in the winter of 1830-31, and began practice in Portland, Maine, January 1, 1832. To his native ability and enthusiastic taste for the pursuit of the medical profession there had been added the highest education of the college and of medical schools, and he entered his career with a zeal which could not fail to secure success.

In the paths of medicine, too uncertain and changing, perhaps, to justify for its practice the denomination of *Medica Scientia*, Dr. Gilman possessed those keen powers of observation and analysis without which no practitioner, however learned in the literature of his profession, can diagnose disease with even ordinary accuracy. In the treatment of a patient, with a correct diagnosis one-half of the battle is won. As a diagnostitian he was distinguished, and with the location, character and insidious advance of the disease once established, its control, if within the power of man, became easy.

In the paths of surgery, however, were to be found the laws of almost an exact science, and to the study of these Dr. Gilman gave his best abilities. Bold, yet calm, rapid in his work, yet careful, and always thorough master of his knife and himself, he soon became distinguished in this department of his profession. The most difficult and complicated surgical cases were submitted to his care, and among the most important and serious was one requiring the Cæsarean operation, which was performed by him for the first time in the state of Maine and with entire success.

Dr. Gilman was not only held in the highest esteem by the community at large, but among his brethren in the profession he was unanimously and cordially accorded a place in the front rank. He was one of the founders of the Maine General Hospital, the president of its board of directors, and a liberal contributor to its support. He was also a trustee of the Maine Insane Asylum and of Bowdoin College.



*S. C. Gordon*





Dr. Gilman married, August 24, 1837, Helen Augusta, daughter of Hon. Reuel and Sarah Lowell (Cony) Williams, of Augusta. Mr. Williams, who died July 25, 1862, was United States Senator from 1837 to 1843, and was one of the most distinguished sons of Maine, and his wife was a daughter of Hon. Daniel Cony, of Augusta. Dr. Gilman had one daughter, Helen Williams, who is the wife of Dr. John Taylor Gilman Nichols, of Cambridge, a grandson of Rev. Ichabod Nichols, for many years the minister of the First Parish (Unitarian) in Portland.

The death of Dr. Gilman occurred in Portland, January 16, 1884. He died in the belief of the Unitarian faith, and guided by the light of its doctrines and precepts, he led a life of usefulness and honor, alike creditable to himself and his distinguished ancestry.

### SETH CHASE GORDON, M.D.

**T**HE subject of this sketch is a descendant of John Gordon, son of a Scotch duke of that name. He married Grace Toy, beneath his rank, was disinherited, came to Ireland, where he died. His widow came to Andover, Mass., about the middle of the eighteenth century, bringing three sons. Henry, one of them, married and lived at Andover until about the close of the Revolutionary War, when he moved to Fryeburg, Me. His son, Henry, was the father of Stephen Gordon who married Lydia B. Chase. Stephen Gordon was a lumberman and farmer. Seth Chase Gordon, the eldest son of Stephen and Lydia (Chase) Gordon, was born in Fryeburg August 17, 1830. He had four brothers and one sister. The mother was a granddaughter of Dr. Josiah Chase, who was a surgeon in the French and Indian War, also in the Revolutionary War, and married a daughter of Gen. Joseph Frye, to whom the town now named Fryeburg, Me., was granted for services in the French and Indian and Revolutionary Wars.

Seth Chase Gordon was brought up on the farm of his father, and received his education at the district schools and at the Fryeburg Academy. After leaving the Academy, he worked on the farm during the summer months, and during the winter taught school. He afterwards spent one year teaching school in Evansville, Indiana, and then, returning to Fryeburg, entered as a medical student the office of Dr. Ira Towle in that town. He attended at a later time the medical lectures at Dartmouth College, and completed his professional education at the Maine Medical School in Brunswick, from which institution he received his diploma in May, 1855. He began practice in the town of Gorham, Maine, at Little Falls in the village of South Windham, where he remained until 1861. In the month of December in that year he was appointed assistant surgeon of the Thirteenth Maine Regiment, and in October, 1863, surgeon of the First Louisiana White Regiment stationed in the Department of the Gulf. During a part of his term of service he acted as surgeon of the District of La Fourche on the staff of General Cameron, and was mustered out July 12, 1865.

No better school of preparation for a surgical career could have been had than that which he found in his four years of service in the war. The most critical cases, in which only the greatest skill could have met with success, were constantly submitted to his care, and the zeal exhibited by him in their treatment became the means of laying the foundation on which a successful professional career could not fail to be built.

After his discharge from the service he returned to Maine, and on the first of October, 1865, settled permanently in Portland. His surgical experience in the war

secured for him a rapidly increasing practice, and his operating skill soon became so widely known that in 1874 he was appointed surgeon of the Maine General Hospital. He still continues a member of the surgical staff of the hospital, and still contributes in that capacity his advice and counsel in cases either novel in their character or so severe as to require the highest exhibition of professional skill. He is also consulting surgeon in the Maine Eye and Ear Infirmary, and has been president of the Maine Medical Association. In recognition of a reputation which has extended beyond the borders of his state, he has served by election as vice-president of the American Medical Association, and president of the Department of Obstetrics and Diseases of Women in that association. He is the lecturer on diseases of women in the Portland School for Medical Instruction. A still more extended acknowledgment of his professional standing is attested by his election as Fellow in the American and British Gynecological Societies, and of the Boston and Detroit Academy of Medicine. Before several of these societies he has read papers of great value to his professional brethren, and his contributions to the pages of medical and surgical journals are important and frequent.

So well established is his reputation, and so thoroughly trusted is his judgment, that in courts of law his testimony as an expert is often sought, and always given with a candor and honesty which carry weight and influence. It is well known that no retainer can secure his services in the trial of a case, unless the testimony sought is in accordance with his honest judgment and can stand the test of the most thorough professional criticism. It is apparent that testimony thus given, sometimes with little expectation of an adequate compensation, in opposition to a party whose retainer he has refused, cannot fail to have its effect on the court and jury.

Dr. Gordon neither seeks, nor is willing to accept office, except where the performance of its duties is such as every good citizen should feel it incumbent on him to undertake. He has served one year in the Common Council of Portland, and three years on its School Committee. In the acceptance of these positions, though not in accordance with his wishes and tastes, he has only consented to perform his part in securing the welfare of the community in which his lot is cast. In his political affiliations he is a Democrat, but always outspoken in the declaration of opinions on questions of state, whether in consonance with the fitful platform of his party or otherwise. He has little respect for the occasional new planks which the platform receives at the hands of conventions, and has too much independence to accept the newly-hatched doctrines laid down by others as necessary articles of his own faith. In the immutable principles of Democracy, however, principles which underlie the Constitution, in the conservative recognition of the rights and powers of states as a check to the process of centralization—which, while to the superficial eye strengthening our government, is really sapping and weakening it—he is a firm believer. It is his conviction that a Union like ours, covering a vast territory and including millions of people with inharmonious and, to a certain extent, hostile interests, becomes weaker at the circumference as it becomes stronger at its centre, and that as the work of centralization goes on, the cohesion of the Union loses its power and force.

Dr. Gordon is in the prime of life, and in full practice. His knowledge and skill increase with his age, and there is no man in his profession to whom his state owes a larger debt or is ready to award higher honors.



*E. E. Holt,*





## ERASTUS EUGENE HOLT.

NOTHING has contributed so much to the advance of medical and surgical science as the creation of specialists devoted to the study and treatment of diseases of the various organs of the human body. The department of surgery has felt the impetus more keenly than that of medicine, because in the latter more often than in the former an affected part finds the root of its trouble in some remote organ, and must be treated rather by a general practitioner than a specialist. It must be evident to every one that it is utterly impossible for any one mind to cultivate the whole field of medicine thoroughly, and that the tendency to special work has caused a deeper probing into the mysteries of the human frame.

Perhaps no special departments have advanced as rapidly, and with such effective results as those of ophthalmology and otology, the study and treatment of the eye and ear. Those of the former have been more brilliant, perhaps, than those of the latter, because lying more directly within the domain of surgery. The conditions of the eye, also, create a more pressing demand on the profession, inasmuch as total loss of hearing is far less frequent than blindness, and an impaired sense of hearing is more tolerable than defective sight. In our country these conditions have been seriously extending of late years. In 1860 the number of persons blind in both eyes was four hundred and three to a million; in 1870, five hundred and twenty-seven; in 1880, nine hundred and seventy-six; and in 1890, eight hundred and five. The number of persons totally blind June 1, 1890, was fifty thousand four hundred and eleven; and of those blind in one eye ninety-three thousand nine hundred and eighty-eight. At the same date the number of persons unable to hear loud conversation was seventy-nine thousand eight hundred and ninety-five. Of those totally blind it is estimated that the blindness of at least fifteen thousand was caused by a purulent inflammation of the eyes of newly-born children, or, as it is called in the profession, *ophthalmia neonatorum*, a disease which is both preventible and curable. These fifteen thousand are chiefly the poor, whose support in public institutions or by the hand of charity costs, at \$132 per year each, the sum of \$2,000,000. The loss of their work as producers, added to the cost of their maintenance (reckoned at \$1 per day), inflicts a total loss on the wealth of the United States of about seven and a half millions of dollars annually. These statistics, and others of an interesting nature, are found in an address delivered by Dr. Holt at the dedication of the new building of the Maine Eye and Ear Infirmary, contained in the seventh annual report of that institution for the year 1892.

Perhaps none in New England and few in the United States have won higher distinction in the special departments of ophthalmology and otology than the subject of this sketch. To his reputation as a scientist he has added that of a philanthropist, and as the field of his usefulness has expanded as a practitioner he has sought by energetic methods to extend to the poor the full benefit of the latest results of his research and study. The Maine Eye and Ear Infirmary in Portland is a monument not only to his profound learning and skillful hand, but also to his sympathetic nature and generous heart.

Erastus Eugene Holt is the son of Erastus and Lucinda (Packard) Holt, and was born in Peru, Me., June 1, 1849. The family to which he belongs is a prominent one in other parts of the state and nation. He was educated in the public schools of his native town, at Hebron Academy, and at Westbrook and Gorham Seminaries. In

his earlier life he was for five years engaged in mercantile pursuits in Canton, Me., with Albion Thorne, John P. Swasey, Dura Bradford and Otis Hayford, and under their instruction acquired a knowledge of business methods and habits which has entered largely into the causes and means of his professional success. But he was destined to pursue a career more congenial to his tastes and more useful to the community than that of accumulating money by means of barter and trade. Leaving the shop he sought the halls of learning, and for several years applied himself to close study, teaching in some instances at the same time and always for some portions of the year. During these years his own education was all the time developing in an occupation which, conscientiously followed, cannot fail to brighten the mind and extend the knowledge of its devotee. For a year or more he was employed as principal in the City Reform School of Boston, and in that as well as in his other positions as teacher the lessons learned during his business apprenticeship in Canton served him a useful purpose.

Dr. Holt had fitted for college, but his plans for a college career having been necessarily postponed until too late to enter upon it under favorable circumstances, he determined to devote more time to the study of medicine and to begin at once the preparation for his chosen profession. He entered the Medical School of Maine at Bowdoin College in 1872, continuing his studies in Boston and at Dartmouth Medical School. He then returned, and graduated from the Medical School of Maine in 1874. He then entered the College of Physicians and Surgeons at Columbia College in New York, from which he received his *ad eundem* degree in 1875. After leaving Columbia he returned to Maine and was appointed demonstrator of anatomy at the Medical School of Maine in Brunswick, which position he held two years. He was appointed house doctor in the Maine general hospital, being the first regularly appointed physician to hold that position, and at the end of a year was selected as one of the attending physicians of the Portland Dispensary, serving in that capacity two years. During his service in the hospital he made quarterly reports of medical and surgical cases treated there, which were published in the *Boston Medical and Surgical Journal* during the years of 1875-76. He also wrote a history of the hospital, which was published in the *Portland Transcript*, thus showing an unusual interest and activity in the affairs of the hospital, which has been characteristic of him in all his associations since that time.

In 1881 Dr. Holt went to Europe, spending his time chiefly in London, devoting himself to the special departments of ophthalmology and otology, in which he has since won his high rank in the profession. While abroad he was a member of the Seventh International Medical Congress held in London in August. Since his return he has been in practice in Portland, and is recognized not only within that city, but beyond its borders and throughout New England, as a thoroughly educated man in his department, a wise and safe counselor, and an operator who is cool, skillful and always entirely sure of himself.

Not long after his return from Europe he began to realize the necessity of an eye and ear infirmary in Maine for the benefit of the poor, and to take measures to secure its establishment. In December, 1885, he began to obtain names to a petition for incorporation, and on the 15th of February, 1886, a meeting was held in Reception Hall of the city building, and the constitution and by-laws of the Maine Eye and Ear Infirmary were adopted. Rooms were secured at 110 Federal street, and opened for the reception and treatment of patients on the 22d of April, 1886. Dr. Holt was appointed executive surgeon, and the infirmary began its operations with promises of usefulness and success, which have been fully realized. The property



occupied by the institution was afterwards bought, and such additions and improvements were made as its increasing patronage required. In 1890 steps were taken to buy land and build a new infirmary, and in 1891 the corner-stone of the present building was laid with Masonic ceremonies, Dr. Holt delivering the principal address. The building was dedicated on the 23d of December, 1892, up to which time thousands of patients had been treated, and hundreds of operations performed. Dr. Holt is still executive surgeon, and the usefulness and efficiency of the infirmary are annually increasing under the guiding care of his executive ability.

Dr. Holt is not identified with the Maine Eye and Ear Infirmary alone. He obtained the passage of an "Act for the Prevention of Blindness" by the Maine Legislature, which act became a law in June, 1891, Maine being the first state, after New York, to enact a law of this kind. He was instrumental in obtaining the "Act to Regulate the Practice of Medicine and Surgery in the State of Maine," which law went into full effect on January 1, 1896. It requires that every person, desiring to practice medicine or surgery, shall be examined and found proficient in all the branches of medicine before a certificate shall be granted, enabling such a person lawfully to practice medicine or surgery in the state. He founded the Portland Medical Club in 1876, was the originator of the Maine Academy of Medicine and Science in 1894, was one of the founders of the New England Ophthalmological Society, and the founder and editor of the *Journal of Medicine and Science* the official organ of the Maine Academy of Medicine and Science. He is also a member of the Maine Medical Association, a member of the American Ophthalmological and Otological Societies, a member of the Congress of American Physicians and Surgeons, the American Medical Association, and in his social relations is a member of the Bramhall League, the Portland Club, the Portland Athletic Club and the Country Club. Dr. Holt is a Mason, being a member of Atlantic Lodge, Portland Commandery, Mount Vernon Royal Arch Chapter, and other orders up to and including the thirty-second degree. He is interested in all matters of a public nature, as is shown from the fact that he was one of the thousand-dollar subscribers to, and therefore one of the incorporators of, the Portland Theatre, which, when completed, will be one of the best in New England.

Dr. Holt has not only become distinguished as a practitioner, but as an author has enriched the literature of his profession by the contribution of numerous papers, which would alone have given him a high place in the ranks of medicine and surgery. The list of these is too long to enumerate. Among them, however, may be mentioned his incidental editorial articles in the *Journal of Medicine and Science*, papers read before the Maine Medical Association, entitled "Report on Otology," "Diseases of the Lachrymal Apparatus," on the "Diseases of the Mastoid," "Strabismus Convergens," "Otitis Media Suppurativa," "Treatment of Ulcers of the Cornea," "First One Hundred Cases of Cataract;" papers read before the American Ophthalmological Society on the "Removal of Steel from the Vitreous by the Electro-Magnet," "Orbital Cellulitis," "Commotio Retinea," etc.; papers in the *Journal of Medicine and Science* on "Relations of Modern Civilization to Affections of the Eye and Nervous System, and the Relations of Ametropia to Diseases of the Eye," "Some of the Practical Results Derived from a Study of the Anatomy and Physiology of the Eye," "Otitis Media Suppurativa" and "Ophthalmology and Otology;" papers read before the American Otological Society on "Boiler-Makers' Deafness," "The Hearing Power in Different Conditions," "Report on a Case of Teratoid Tumor of both Auricles;" a paper in the *American Journal of Otology* on "Acute inflammation of the Middle Ear," and "Detachment of the Retina," in

the *American Journal of Ophthalmology*. To these are to be added his annual reports as executive surgeon of the Maine Eye and Ear Infirmary.

Dr. Holt married Mary Brooks Dyer and has six children, Lucinda Mary-Belle, Clarence Blake, Roscoe Thorne, Erastus Eugene, Jr., Dorothy, and Benjamin Dyer.

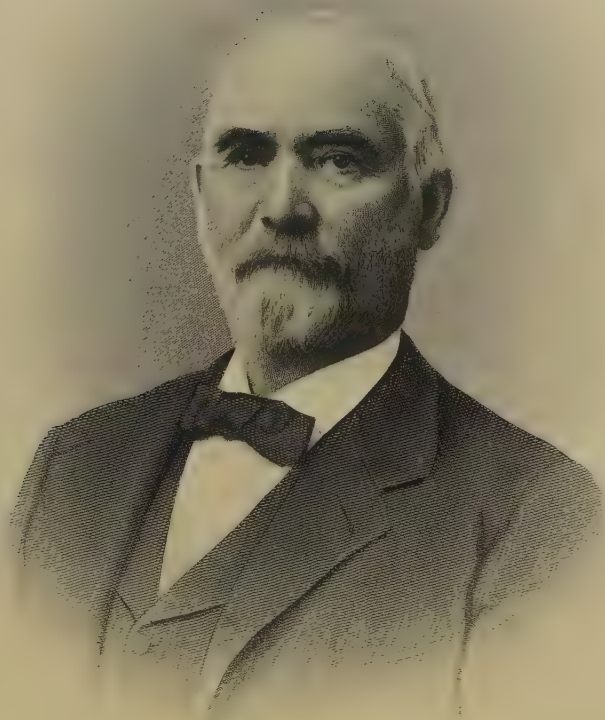
### WESTON FREEMAN MILLIKEN.

**A**MONG the substantial business men who have enlarged the enterprise, and contributed to the prosperity of Portland, Me., must be reckoned the subject of this sketch. Now in the full years of manhood, his activity of mind and body is still far within the limits of its full development, and holds out the promise of still further usefulness to the community in which in 1856 he cast his lot.

The first American ancestor of Weston Freeman Milliken was Hugh Milliken, a Scotchman, who came to New England about 1664, and, after remaining a short time in Boston, settled in Scarboro, Me. He was a member of the Scotch Charitable Society in 1684, but neither the name of his wife nor the date of his death is known. John Milliken, son of Hugh, perhaps born in Scotland about 1664, was in Scarboro in 1719, and died in that town in 1749. He married Elizabeth, daughter of John and Mary (Wilmot) Alger, and had ten children: John, Thomas, James, Josiah, Benjamin, Samuel, Joseph, Edward, Nathaniel and Elizabeth. John Milliken, Jr., son of the above, was born in Scarboro, December 27, 1691, and married, January 1, 1718, Sarah Burnette, of Boston, who became the mother of four children: Mary, John, who died in infancy; John, again, and Thomas. He married, second, September 3, 1728, Rebecca Thomas, and died in Scarboro in 1779. John Milliken, son of the above, was born in Boston in 1723, and married, August 6, 1761, Eleanor (Libby), daughter of Benjamin Sallis, of Scarboro. Benjamin Milliken, son of the above, was born in Scarboro in 1764, and married Elizabeth Babbidge, who died in New York in 1807, having had ten children. He married, second, Lydia, widow of Jeremiah Bean, of Montville, Me., who became the mother of two children, and he died September 20, 1818. Josiah Milliken, son of the above, was born in Scarboro January 1, 1803, and married Elizabeth Freeman, whose family had removed from Cape Cod in Massachusetts, to Maine. He removed from Scarboro to Buckfield, and afterwards to Poland, Me., and died in Portland in 1866.

Weston Freeman Milliken, the son of Josiah and Elizabeth (Freeman) Milliken, was born in Poland, September 28, 1829. He was educated in the public schools of his native town and at the Lewiston Academy. After leaving the academy, he taught school four terms in different places, and at the age of twenty-one entered a store in Boston as clerk. At the age of twenty-three he removed to Minot, Me., and remained there four years engaged in a general merchandise business. In 1856 he took up his residence in Portland, and with his brothers, Charles R. and George, established the wholesale grocery firm, which has since been organized, and is now doing business under the name of the Milliken, Tomlinson Co., of which he is president. He has also for twenty years or more, been extensively engaged in the lumber business, exporting largely to South America.

Mr. Milliken possesses business abilities of the highest order, and these, together with the strictest integrity and sound wisdom, have won for him the confidence of the community. As a result of this confidence, he has been called to fill important positions of honor and trust, among which may be mentioned the presidency of the Cumberland National Bank, a seat on the Board of Trustees of the Portland Savings



*Milton F. Milliken*







*John F. Randall*





Bank, the presidency of the Bangor and Machias Steamboat Company, and a place as an incorporator of Lloyd's Maine Insurance Company. He has never sought political office, but was induced reluctantly to serve as a representative in 1872-73-74, in which capacity he rendered useful service on the committees on banks and banking, and of finance.

Mr. Milliken married first January 22, 1854, Martha F. Haskell, of New Gloucester, Maine, who died in Portland August 16, 1870, leaving one child, Anna W., who was born January 29, 1865, and died December 14, 1890. He married second February 28, 1882, at Orono, Maine, Mary Webster Palmer, who enjoys with her husband a house on State Street in Portland, replete with that comfort and luxury, which only a cultivated taste can suggest, and abundant means supply.

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### JOHN FREEMAN RANDALL.

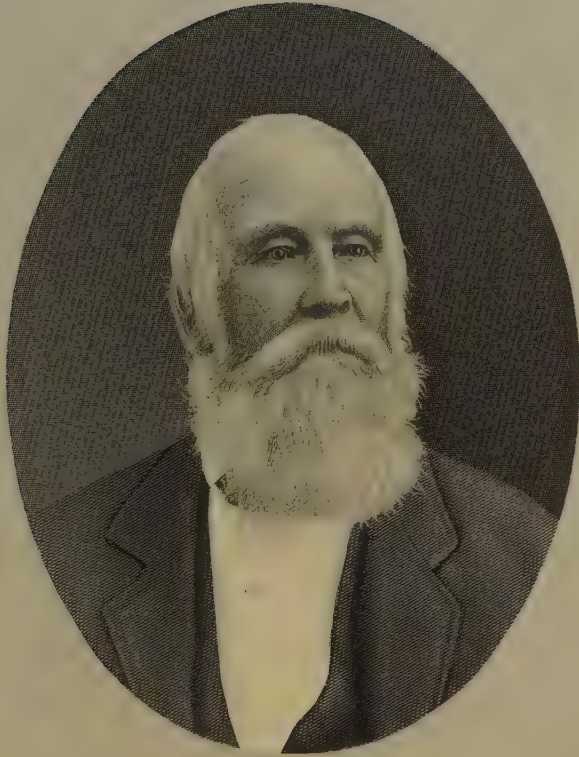
THE evolution of the coal trade illustrates perhaps the most important change, which has ever occurred in the methods of living and of conducting business operations. In New England, in the early part of the present century, while wood was universally used for fuel, limited quantities of Sydney and Pictou coal were imported from Nova Scotia and used by manufacturers and blacksmiths. The use of anthracite coal was unknown, and the writer of this sketch, who lives in a town of eight thousand inhabitants remembers the introduction of the first hard coal grate, and the transportation by packet from Boston of a ton of anthracite, the first ever seen in the town. From that single ton he has seen an increase in the annual consumption of hard coal to thirty thousand tons. This increase represents that to be found in other localities, and, as the facilities of transportation have been gradually perfected, wood as fuel has been almost totally abandoned, and water-power is no longer considered essential to manufacturing industries. The construction of steamboats and railroads, which are themselves among the largest consumers, has swollen the coal trade to such proportions, that the question may be with some reason asked whether mining operations may not sooner or later seriously disturb the equilibrium of the earth. In 1873, the statistics of which year are the latest at hand, the total coal production of the globe was 268,582,022 tons, of which 50,512,000 were the share of the United States. This product in our country was taken from 192,000 square miles of coal fields, while in Great Britain 127,015,747 tons were taken from fields covering 11,900 square miles. If the product of 1873 be continued one hundred years, it will reach the enormous amount of two hundred and sixty-eight thousand millions of tons, the transference of which from one place to another on the earth's surface, cannot fail to be felt even at the estimated weight of the earth of 5842 trillions of tons.

It is probable that no man in New England has been so largely engaged in the coal trade as John Freeman Randall, of Portland, Me., the subject of this sketch. He was the creator and manager of a business, from the extent of which he acquired the title of New England's Coal King. Mr. Randall was the son of Isaac and Elizabeth (Cummings) Randall, of Freeport, Me., and was born in that town May 20, 1839. He was educated in the public schools of Freeport, and at an early age went to Portland to learn the trade of a ship-carpenter, with his uncle, John Cummings. After learning his trade, he went one voyage to sea, and, stopping at Mobile, was employed on the water-works of that city, and, during the winter of 1859, had charge

of the works. He then returned to Portland, and worked at his trade until the breaking out of the war. In April, 1861, he enlisted as a private in the Portland Rifle Guards, which was made Company E (Captain William M. Shaw) of the First Maine Regiment, under the command of Colonel Nathaniel J. Jackson. The regiment was mustered in for three months' service, May 3, 1861, and was stationed at Meridian Hill. At the close of his service, he associated himself with Henry McAllister, and started a business in coal, under the firm-name of Randall & McAllister. At a later day, E. H. Sargent took the place of Mr. McAllister, but in 1884 Mr. Randall bought out his partner, and continued the business alone. The business, however, was always carried on under the old name of Randall & McAllister, and since the death of Mr. Randall, his representatives, Henry F. Merrill and William Taylor, sons-in-law of Mr. Randall, and trustees of his estate, have continued the business under the same name. Mr. Randall employed from eight hundred to one thousand vessels in the shipment of coal from New York, Philadelphia, Baltimore and Norfolk to Portland and other ports in Maine, and to a limited extent also to St. John, New Brunswick. The cargoes received at Portland were deposited in two extensive pockets, one on his own wharf, and one built and owned by him on the wharf of the New York and Boston steamers. From these pockets he not only supplied his local trade, but sent large quantities by rail into interior towns of Maine, New Hampshire and Vermont. The total amount of his shipments was about three-quarters of a million tons. Some of the vessels engaged in the trade were his own, but they were chiefly vessels chartered either by him or the shippers. About one-half of his shipments was bituminous coal, and among his largest customers in that line were the Maine Central and Grand Trunk Railways and the various coastwise and ocean steamers sailing from Portland.

Mr. Randall died November 7, 1894, and to have laid the first foundations of his business in 1861 and to have developed his own creation in thirty-three years to the magnificent proportions it had attained at his death, it is apparent that he must have been a man of unusual energy and sagacity, and more than all, what is needed to make those traits of character available, an integrity which secured and maintained the entire confidence of the business world. He neither inherited his business nor entered into the labors of others before him in any way. He watched its evolution from its cradle to its youth, and from its youth to its maturity, was familiar with all the liabilities of accident or misfortune as they had displayed themselves in trifling forms during his career, and was, therefore, the thorough master of his life work. Nor did he permit the allurements of speculation to draw him into those side tracks of investment which so often lead business men to their ruin. He devoted himself to his special field of activity, looking for neither office nor honors. He was a member of the city council in 1872 and 1873, in that capacity performing that share of public work which every good citizen should be willing to assume. He was also a director in the Casco National Bank, in the Eastern Forge and the Portland Company, a corporation engaged in the manufacture of machinery, and a trustee in the Maine Eye and Ear Infirmary, an institution in which he was much interested and to which he left a bequest in his will. In the social world outside of his home his affiliations were with the orders of Masons and Odd Fellows. In the former he was a member of the Portland Lodge, Mount Vernon Chapter and Portland Commandery, and in the latter a member of the Beacon Lodge and Machigonne Encampment.

Mr. Randall married, January 1, 1862, Elvira, daughter of Captain Eli and Elmira (Hood) Sargent, of Portland, and left eight children: Mabel, who married Henry F. Merrill; Clifford; John Howard; Maud, who married William Taylor; Grace; Ernest,



*Dan. F. Emery*





Marion and Claire. He died at his home, as has been before stated, November 7, 1894. Rev. A. H. Wright officiated at the funeral ceremonies, assisted by the Portland Lodge of Masons, and a delegation from the Odd Fellows Lodge attended. The pall-bearers were Capt. J. S. Winslow, H. P. Dewey, Henry McAllister, and A. R. Wright, and the burial was made in Evergreen Cemetery.

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### DANIEL FREEMAN EMERY.

**T**HE subject of this sketch was the son of Joshua and Martha (Freeman) Emery, and was born in Portland, Me, February 4, 1808. Until fourteen years of age he attended the public schools of his native city, and then entered the hardware store of Henry Goddard & Co., as a boy of all work. In those days janitors and porters were unknown, and it was a part of his duty to go to the house of his employer, Mr. Goddard, early in the morning and get the store-key and open the store and sweep it out preparatory to the trade of the day. The boys of those times, who afterwards became thoroughly trained merchants, began at the lowest rung in the ladder, receiving for the first year or two a certain amount of business training as the consideration for their work. The shop was the school and the employer the master, furnishing a better foundation for a business career, than the general education of a college, which as often unfits as fits the young men of to-day for the course in life they wish to pursue.

As a result of his early training, Mr. Emery at twenty-one years of age was admitted to the firm, while some of his early companions were just leaving college and drifting aimlessly about, with only one of the professions, already too full, open for their unpromising entrance. He remained in the firm until 1835, when, having accumulated a moderate capital, he went to New Orleans and engaged in contracts for granite paving. Granite paving was then the almost universally accepted method, and many of the vessels freighted for the North with cotton, took paving-stones back as freight or ballast. In 1842, having returned to Portland, he established the hardware firm of Emery & Waterhouse, consisting of himself and Joshua W. Waterhouse, which continued business under that name until 1866, when Mr. Waterhouse retired and the firm of Emery, Waterhouse & Co. was formed, consisting of Daniel Freeman Emery and his son, Edward Augustus Emery, and Daniel Freeman Emery, Jr. In 1873, after the death of Edward A. Emery, John T. Eustis and Edward B. Cook were admitted to the firm, the name of which continued as before. Mr. Emery continued his connection with the firm until his death, carrying on a large wholesale and retail business, and maintaining also a factory in North Monmouth, Me., for the manufacture of axes and shovels.

Mr. Emery was one of the solid men of Portland, and his well-known figure was seen daily in its streets, going to and from business, until the very day of his death. His commanding frame and snow-white beard always attracted attention, and reminded those of younger years of the days when merchants were reared, not born, as now, ready made, and, like houses built on the sand, yielding to the first financial gale.

Though somewhat feeble during his last few years, every day, in clear weather or foul, he visited his store, remaining through the business hours, having an oversight of all transactions, and by his wise counsel guiding the affairs of the concern in safe and conservative channels. On the day of his death, at the age of eighty-

three, his carriage came to the door to take him to the store, but was ordered away as he said he felt well enough to walk. He had, however, not proceeded far from his residence on State street, when his strength failed, and he leaned against the fence for support. He was taken into the house of Mrs. Moore, a neighbor, and there on the 29th of December, 1891, breathed his last. In religious belief Mr. Emery was a Swedenborgian, and though the angel of death had been long hovering about him, its wings brought no terror to his heart. He had rounded out the full life of man, and in reviewing the incidents of his career his conscience suffered no pangs. He lived and died an honest and faithful business man, honored and respected by all who knew him.

Mr. Emery married, March 4, 1834, Sarah A., daughter of William Woodbury, of Portland, and had three sons and two daughters—Edward Augustus, who married Abby Lowell, of Portland; Daniel Freeman, Jr., who in 1872 married Martha Webster Gilman, of Orono, Maine (who died in 1880), and again married, in 1883, Mabel Stanwood, and is a member of the firm of Emery, Waterhouse & Co. and president of the Rumford Falls Paper Co.; Frederick W., who lives in Boston and is president of the New York Talc Company; Josephine, who married Nehemiah W. Rice, of Boston; and Lucia, an adopted daughter, who married Edward C. Johnson, of Boston.

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### GEORGE FRANCIS THURSTON.

**T**HE subject of this sketch was descended from good Puritan stock. His first American ancestor, Daniel Thurston, came to Newbury, Mass., as early as November, 1638, and married, October 20, 1655, Annie, daughter of Joseph Pell, of Lynn, Mass., and died February 19, 1693. His son Daniel, born in Newbury, December 18, 1661, married Mary, daughter of Lieut. John Dresser, of Rowley, Mass. Richard Thurston, son of Daniel and Mary, was born in Newbury, October 16, 1710, and married May 5, 1731, Mehitable, daughter of Rev. Jonathan Jewett. David Thurston, son of Richard and Mehitable, was born in Rowley, March 19, 1751, and married first, Mary, daughter of Rev. Jacob and Mary (Wood) Bacon, of Rowley, who died October 21, 1790, and second, in 1791, Chloe Reddington. He removed to Sedgwick, Maine, 1796. His son, Rev. David Thurston, was born in Rowley, February 6, 1779, and married, first, Eunice Farley, and, second, Prudence Brown, sister of Francis Brown, president of Dartmouth college. He graduated from Dartmouth 1804, and was the settled minister of the town of Winthrop, Maine, forty years. Brown Thurston, the father of the subject of this sketch, and the son of Rev. David and Prudence (Brown) Thurston, was born in Winthrop, October 6, 1814, and married, July 19, 1842, Harriet, daughter of Deacon George W. and Mary (Greenwood) Chapman, of Gilead, Maine, who died February 23, 1858. He married, second, October 26, 1859, Amanda Chapman, a sister of his first wife. His children, all by the first wife, were Charles Brown, born June 10, 1843; Jane Mary, December 22, 1845; Harriet Chapman, March 11, 1847; George Francis, January 20, 1848; Clara Amanda and Mary Brown, twins, June 20, 1851; David Frederick, July 25, 1853; and Jessie Louise, June 20, 1856. He is still living in Portland, at the age of eighty-two, enjoying deserved comfort and rest after a career of honorable activity. At the age of seven years he was sent from Winthrop to Bucksport, Maine, to live with an aunt and to attend school. At the age of eleven he went nine trips on board a coasting vessel, between Bangor and Boston, in the hope of securing better health, and a





*Geo. F. Thurston.*



year later spent a season in Harpswell, Maine. Being still feeble in health, he spent a year, at the age of sixteen, with Dr. Hubbard, of Winthrop, obtaining the advantages of his professional supervision. With restored health he became an apprentice, at the age of seventeen, in the office of the Lowell (Mass.) *Observer*, to learn the printer's trade, and remained in that office three years. After completing his apprenticeship, he shipped for a whaling voyage, and spent four years on a cruise to the Pacific, being promoted from seaman to boatsteerer for nearly half the voyage; receiving as his share a one hundred and eightieth part of the profits, amounting, at the end of the voyage, in cash, to \$62.25. In 1840 he established an office in Augusta, Maine, having worked for a time in the office of the *Whig and Courier*, in Bangor, and printed, for Rev. Thomas Adams, a newspaper devoted to the advocacy of temperance. In November, 1841, he removed to Portland, where he continued the business until 1890, when the Brown Thurston Company was incorporated under the laws of the state, of which he and his two sons were the stockholders. His office became one of the largest in Maine. He printed and published many valuable works, among which were two editions of the "Thurston Genealogies," which he compiled. He was the first in the state to introduce the power-press in job-printing, stereotyping, electrotyping, and wood engraving. January, 1895, he retired, after fifty-six years of active service in the business. He joined the High Street Congregational Church in 1842, of which he is still an officer, and was twelve years superintendent of the Sunday-school.

George Francis Thurston, son of Brown and Harriet (Chapman) Thurston, was born, as has been already stated, in Portland, Maine, January 20, 1848. He was educated in the public schools and the Commercial College in that city, and, at the age of sixteen, entered as clerk the banking house of H. M. Payson & Company, in Portland. So assiduous was he in the performance of his duties, and so intelligent and active, that he early acquired the confidence of his employers, and, at the age of twenty-five, became a partner in their house. In 1886 the firm was reorganized under the old name with Charles H. and Herbert Payson and Mr. Thurston as partners. No further change was made in the constituency of the firm before the death of Mr. Thurston, in 1895. The business of the firm was always conducted in the most honorable manner, and no member of the business community of Portland was held in higher esteem than Mr. Thurston, who, during twenty-two years, had been a most active and efficient member.

Mr. Thurston had other and broader interests than those of operations in finance. The claims of his business were not sufficient to absorb his Christian feelings and generous impulses. In the early part of his career he became a member of the High Street Congregational Church, and, in 1880, changed his membership to the Williston Church. In each of these organizations he was a devout follower of the teachings of his Master, and aided generously in their support. In Foreign Missions, the Sabbath School and the Christian Association he was also deeply interested, and the welfare and elevation of the freedmen he held next his heart, and called forth his largest gifts. The purposes and condition of the Good-Will Farm at East Fairfield, Maine, a home for needy boys, were by accident brought to his notice, and, as one of its directors, he did much to establish it on a firm foundation. Indeed, it may be said that in charitable acts he found his true life work, and that he looked upon the business of his office as the fountain from which he might draw the means for their accomplishment.

Mr. Thurston was quiet and unassuming in manner, a man of cultured and refined tastes, a man fond of the best in books, in art and in nature.



Mr. Thurston married, September 7, 1871, Ella Amelia, daughter of Hosea and Lydia (Taylor) Kendall, of Portland, who was born in Ashby, Mass., October 30, 1848, and had the following children: Agnes, born March 20, 1877, who died on the 24th of the same month; Margaret Gertrude, October 17, 1883, and Theodore Kendall, September 23, 1888.

Mr. Thurston patiently endured the sufferings of a long illness, and died at his home, January 2, 1895. On the Sunday after his funeral, Rev. Dwight M. Pratt, the pastor of the Williston church, held a memorial service which was largely attended, and, in a funeral discourse containing a just and deserved eulogy, he held up to his hearers the life and character of the deceased as exemplars which no man in following would fail to find the keys to a thoroughly noble and Christian life.

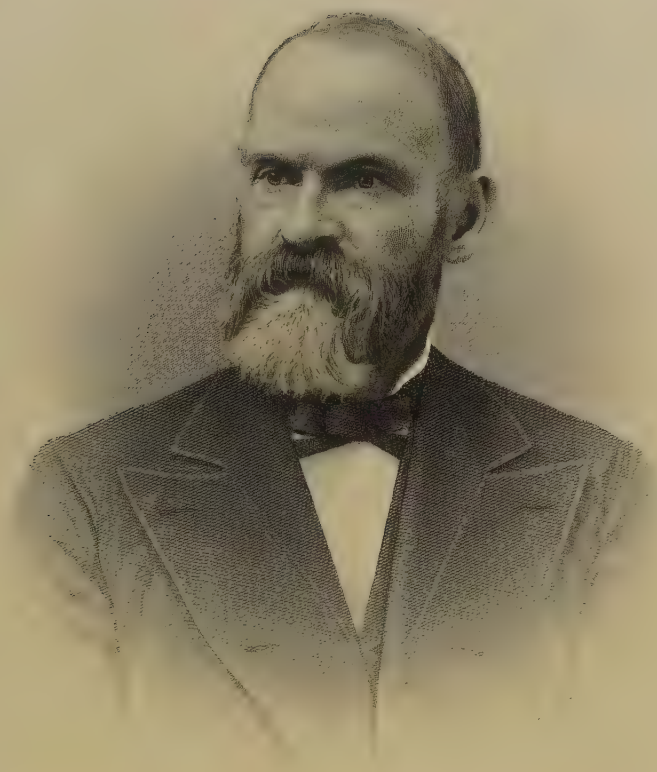
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### IRA PUTNAM FARRINGTON.

**T**HE career of a successful business man not only directly benefits society, but, when the result of individual effort, it affords an incentive to others for high endeavor and the achievement of like success. For this reason, worthy examples not only justify, but merit a place on the historic page. Mr. Farrington's career was in the line of these observations. The theatre of his activities was in the city of Portland, but his birth and early training were in the country, a fact quite noticeable in the lives of distinguished men in all ranks and professions. He was born in Weston, Vermont, November 18, 1820, and was one of a family of fourteen children, all of whom he survived. His father, Daniel, when this son was about four years of age, removed to Keene, New York, and cultivated a farm, assisted by Ira until the latter reached the age of sixteen years. But, dependent upon his own efforts for fighting the battle of life, his tastes led him to choose a different pursuit from that which his father contemplated for him.

In the spring of 1845 he came to Portland. There he established himself in business, occupying the store on Middle street, near Exchange street, where he remained, using it later as his office, until his death, December 17, 1894. He transacted a large and profitable business until, by unremitting industry and the application of those qualities which assure success, his property interests had assumed a magnitude to demand his exclusive attention. To the management of these he devoted himself mainly in his later years, and by assiduity and unusual skill he accumulated a large estate, and became one of the most prominent capitalists in Portland and the state.

It was well said by one of the Portland journals, in a tribute to his memory, that "though never seeking honors or notoriety, the community was not slow to appreciate his capacity for business and trustworthiness, and hence availed itself of his service in many local and prominent institutions. Among the trusts to which he was invited was that of director (and afterwards president) of Casco National Bank, president of the Sailors' Home, of the Eye and Ear Infirmary and of the Home for Aged Men, a trustee of the Portland Benevolent Society, an active participant in the financial management of Preble Chapel and of the First Parish (Unitarian) Church, in whose prosperity he was warmly interested." His death was deplored as a public loss, and elicited from the press and from various institutions with which he was identified honorable tributes to his memory and usefulness, some of which may well be placed on record.



*Isa P. Farrington*





It was said in the *Christian Register* by one who knew whereof he spoke :

"He has always been associated with the most worthy charities of the city, and usually in some official capacity. His judgment in business affairs was of a high order. This ability he has always freely shared with the organizations in which he was active. For twenty-seven years Mr. Farrington was treasurer of the Ministry at Large, known as Preble Chapel. This is the means by which the First Parish reaches the poor of Portland. In this office Mr. Farrington had the practical control over the working of the institution."

The managers of the Home for Aged Men placed on its records the following tribute to his memory :

"*Resolved*, that in the death of our late associate we have sustained a loss which words fail to express. A prime mover in the foundation of this institution, he continued to be its supporter and friend, and ready to give assistance in the promotion of this charity, his life stands as an example for us who remain, while his memory will be cherished as long as the Home endures."

At the annual meeting of the institution a further memento was placed on record as follows :

"This institution met with a serious loss in December, when Mr. Ira P. Farrington, one of the pioneers in this undertaking, and for many years its president, passed on to another life. His interest in everything that pertained to the Home was unflagging. He knew its needs, he hoped for it a greater usefulness. Now that his earthly presence is missing, he has emphasized his belief in the cause by a munificent bequest, a remembrance which will give fresh impetus and solve some troublesome problems."

The Board of Trustees of the Maine Eye and Ear Infirmary, at a special meeting, entered the following of record :

"It is with feelings of deep sorrow that we record the death of the President of the corporation of the Maine Eye and Ear Infirmary, and one of the esteemed associates of this Board, Mr. Ira Putnam Farrington, who died at his residence on Free street on Monday, December 17, 1894. Mr. Farrington early saw the importance of the work of the infirmary, and the field it was destined to occupy as a state institution. He was constant in attendance at our meetings, and always took a great interest in the work and welfare of the institution, annually contributing liberally to its support. He was a careful observer, painstaking in his methods to ascertain the facts, and possessed a high ideal of how things should be done. We therefore deem it a high endorsement of the management of the infirmary that the methods pursued met his entire approval. He early recognized that in its origin, in its method of management, and in the scope, extent and variety of its usefulness, the infirmary was unique in its existence, and without a parallel in its accomplishments. The munificent gift of a portion of his estate, as provided in his will, is the final consummation of his beneficent acts, and the highest evidence of the esteem in which he held the institution."

Mr. Farrington gave in his will many large and beneficent charitable bequests : to the American Unitarian Association, in aid of the church building fund, twenty thousand dollars ; to the trustees of the Portland Ministry at large, twenty-one thousand dollars, to be known as the Farrington fund, the income of fifteen thousand dollars to be used for the benevolent purposes of the society, and that of the remainder to be paid over to its minister or missionary, now Rev. W. T. Phelan, for distribution to the poor of the mission ; to the Home for Aged Men at Portland, forty thousand dollars, the income to be applied to the charitable purposes of the institution ; to the Home for Aged Women, ten thousand dollars, under the same conditions ; and to the Female Provident Association, two thousand dollars. He divided between the Maine Eye and Ear Infirmary and the Portland Public Library a large residuary fund, estimated at about three hundred thousand dollars.

Mr. Farrington was exact in all his methods, and required exactness of all with whom he had business relations. But while on the one hand he demanded the strict fulfillment of all agreements, on the other he was free and generous in his charities, although discriminating carefully in their bestowment by confining them to such as he found to be worthy and meritorious. He was simple in his habits and mode of life, but he indulged in all things needful to make his home an abode of comfort and refinement, and for travel in the United States and abroad. To him the former was the most attractive spot on either continent, and his domestic life was most fortunate and happy. He was twice married; his second wife survived him to mourn his loss, but he left no children.

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### WILLIAM SENTER.

**M**R. SENTER was a rare man. The record of his life is something more than a record of business successes, official honors and accumulations of money. These were all his, but his record is that of something higher and better, of a generous nature, a sympathetic heart, a love of nature and a knowledge of many of her mysteries, scientific attainment, and withal a devotion to duty crowned at his death with a memory lasting and fragrant. He was the son of William Senter, of Portsmouth, N. H., and was born in that town October 11, 1813. He was educated in the public schools of Portsmouth, and in 1827, at the age of fourteen, went to Portland, Me., where he was apprenticed to Oliver Gerrish, his uncle, also a native of Portsmouth, to learn the trade of watchmaker. He served seven years with Mr. Gerrish, having as a fellow-apprentice a young man named Abner Lowell.

Soon after completing his apprenticeship, in 1836, he formed a partnership with Mr. Lowell under the firm-name of Lowell & Senter, and entered into the business of dealing in jewelry and watches, and also chronometers and nautical instruments. At that time chronometers were coming into general use in the merchant service, and he fitted himself with thoroughness and care for their repairing and rating. The discovery of longitude by chronometer was then in its infancy, but early in his career its general adoption began, and not only new vessels owned in Maine, but those already built were supplied with instruments by him.

The proper care of chronometers at that time required some knowledge of astronomy, and this science was a special favorite of William Senter; he knew well the stars and constellations. In late days the telegraph flashes the hour of noon from Cambridge or Washington to all parts of the United States. But in those early days dealers in nautical instruments lacked this resource, and had need to be their own astronomers in the way of taking noon observations. Mr. Senter was an expert in this art, and his accurate work in ordering and timing their chronometers has given many a sea-captain a good start on his voyage, and been a sure mark with which to compare his later reckonings.

The firm of Lowell & Senter was burned out in the great fire of 1866, but was soon re-established. In 1870 the partnership was dissolved, and Mr. Senter continued business alone until 1873, when William Senter, his nephew, was admitted to the firm of William Senter & Company, which continued until his death. The firm-name is also, with the nephew, still continued. It is noticeable, further, that a brother of Mr. Senter, Andrew G. Senter, was associated with him in business a number of years; and Mr. Senter's grandfather, Timothy Gerrish, the father of Oliver Gerrish, was also a watchmaker and silversmith. Another brother, Timothy



*Thos. Senter.*





G. Senter, was a distinguished educator. He was principal of a number of public schools in Portsmouth, N. H. ; afterwards of a grammar school in Lynn, Mass., and later organized, and was first principal of the Dean Academy in Franklin, Mass.

The temperament of Mr. Senter was such, his interests in public affairs so great, and his social qualities so remarkable, that his chosen business, though thoroughly and energetically performed, failed to absorb all his interests. At one time he was drawn into the arena of politics, but, after serving as a member of the Board of Aldermen of Portland in 1870 and 1871, and as mayor of the city in 1880-81 and 1881-82, his political aspirations were satisfied, and he sought other fields of enjoyment more congenial to his tastes. He was a faithful public officer, careful in his judgment, conservative in his opinions, and firm and unyielding in following his matured convictions. His special pleasure, aside from the mechanical resources that his business developed in him, was derived from the gratification of his love of nature. On the ocean in his yacht, with the arch of heaven above his head, and the hidden mysteries of the sea beneath his feet, in the woods, with his gun and dog, studying the blossom and leaf of the oak, the birch and maple, on the banks of some running brook, with their myriad flowers, whose beauties he read and understood, he found his greatest relief from the perplexing cares of business and his keenest joy. He spent much time in hunting and fishing, and was a favorite, jolly and hearty companion in these sports. By his will he gave \$500 to the Portland Natural History Society, a corporation of which he was one of the founders, and for many years a member of the board of managers. Besides this society he was a founder and member of the Portland Yacht Club, a member of the Mechanics' Association, and the Provident Association. He had no fondness for associations of a secret nature, however beneficial their aims. He entertained no feelings of hostility towards them, but believed that the sympathy and charity, which their members extended to each other, should not be limited to the ranks of a brotherhood, but should be extended to every brother man. Besides the public bequest above named, he gave \$500 to the Portland Public Library, and the same sum to the Old Men's Home.

As a companion and friend, no man in Portland was more appreciated and beloved. One of the best informed men in the city, his conversational powers were of the highest order, and, while neither gossip nor scandal fell from his lips, he always looked on the bright side of everything, including his fellow-men, and instructed and elevated all within the circle of his influence. He was a Swedenborgian in his religious belief, and his simple and beautiful nature was not only the susceptible recipient, but also the illustration of the tenets of that truly Christian sect.

Mr. Senter married on his twenty-fifth birthday, October 11, 1838, Elizabeth, daughter of Henry Sleeper and Dorothy (Greenleaf) Pearson, of Newburyport, and died childless December 22, 1888. His widow survives him, the occupant of a home which, after many years of happiness in his companionship, was suddenly darkened by his death.

## JOHN ELLINGWOOD DONNELL.

**J**OHN ELLINGWOOD DONNELL was born in Bath, Maine, August 11, 1814, and was the second son of William Curtis and Sarah (Turner) Donnell, both of Bath. Of his early ancestry it is believed that the first of the family in this country was Henry Donnell or Dunnell, who sailed from England in "the good ship Bonaventura" in 1635, settling in York, Maine. From his father, who was by trade a ship and house carpenter, John inherited an aptness for the calling which led to his future success, namely, that of ship-building. He received a common school education in Bath, and afterwards attended the academy at Falmouth, Maine, to which place his family removed when he was fourteen years of age. There he served an apprenticeship in a shipyard, and built and sent out as owner his first vessel in 1841, having in the meantime married, in 1838, Dorcas Floyd Kilpatrick, of Falmouth, youngest daughter of Nathaniel and Apphia (Merrill) Kilpatrick, of that place.

During the next seventeen years or more he was actively engaged in ship-building on his own account at his shipyards in Falmouth and Westbrook, among the vessels built being the "Floyd," "J. E. Donnell," bark "Ella Frances," and the ships "William," "Lone Star," "Evening Star," "Young Sam" and "Kittie Floyd." The experience he acquired in the conduct of his shipping business, with his keen knowledge of maritime law and admiralty practice, rendered his advice valuable to those interested in the adjustment of marine losses. Early in the Civil War, being too loyal an American to place his vessels under a foreign flag to avoid the onerous rates of marine insurance, and the future of our shipping being doubtful, he disposed of his vessel-property and invested some of the proceeds in United States bonds, having perfect confidence in the stability of his country, placing other money in real estate in Portland, of which city he had become a resident in October, 1849. From March, 1864, to March, 1866, he was a member of the Board of Aldermen of Portland, serving under Mayor McLellan, with whom he was for many years then and thereafter on terms of most friendly intimacy. In 1866 the memorable fire consumed nearly every building owned by Mr. Donnell, including his dwelling on Congress street. With characteristic energy and pluck he immediately rebuilt the stores on the devastated lots, and within two months had purchased, and settled his family in, the house but newly erected by Captain Henry Inman, of the U. S. A., one of the first built on the Western Promenade, where Mr. Donnell was privileged to spend the remainder of his life. In 1869 the Portland and Ogdensburg Railroad was projected, and Mr. Donnell was made one of the first board of directors. In the spring of 1870 he was sent as purchasing agent to Europe to buy rails for the company, when his long business experience and sound judgment proved of great advantage and enabled him to accomplish his mission most satisfactorily.

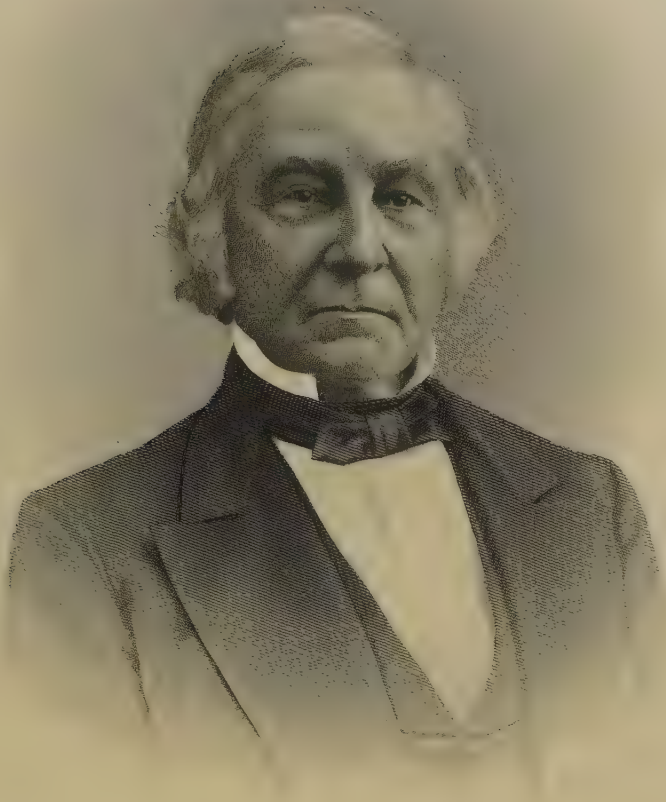
For many years he was an attendant of the First Parish Unitarian Church, of Portland, being an ardent admirer and a warm personal friend of the Rev. Horatio Stebbins during his pastorate there. In politics he was a strong Republican during his active life, and during the Civil War an outspoken and zealous supporter of the Union cause, his only son, William, going to the front as adjutant of General Chamberlain's regiment, the Twentieth Maine. Mr. Donnell was a true son of New England, one of a type that is fast passing away, but a type that will leave its mark on





*John E. Donnell*





*James W. Bradbury*





generations yet to come. He was a man of strong convictions, of indomitable energy, and unalterable purpose;—swift in deciding upon a course of action, there was no variableness nor shadow of turning when his decision was once made.

Utterly opposed to ostentation in any direction he was not perhaps, in the common acceptance of the word, a generous man; but there are those still living who hold his name in grateful memory as one who gave in the hour of need the truest, wisest service in helping them to help themselves. He was a man of almost impenetrable reserve. Few, if any, of his closest friends knew much of his inner and spiritual life. But not long before the close of his long life he remarked to one of his friends, "I have been thinking what is this thing we call life? Where do we come from? And when we drop these bodies of ours where do we go then? Why this silence that covers all like a pall? Often and often as I walk through the streets when men, I suppose, think my thoughts are on stocks and bonds and stores and business, I am thinking and wondering of this life of ours. What is it? And what is there beyond?"

Any sketch of this strong, reserved man would be most incomplete were no reference made to his loyalty as a friend. "Once a friend, always a friend," was his repeated assertion, and in his life he was true to this creed; and the cordial grasp of his hand will long be missed by those to whom he gave his friendship. His children were: William Ellingwood, Ella Frances (Mrs. G. D. S. Trask), Lillia Floyd, and Alida Marie (Mrs. Leese), all living at the time of his death, March 25, 1892.

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### JAMES WARE BRADBURY.

**I**N the city of Augusta, Me., after an active and useful career, covering a period of more than ninety years, Mr. Bradbury has his home, beloved by his family and friends, respected by his fellow-citizens, and adding by the tranquil current of his life grace and dignity to the town.

Mr. Bradbury is descended from Thomas Bradbury, a native of Essex county, England, who was baptised in the church of Wicken Bonant, February 28, 1611, and came to New England as the agent of Ferdinando Gorges, about the year 1634. He married Mary Perkins, of Ipswich, Mass., and settled in Salisbury, Mass., in 1636. Thomas Bradbury was a representative to the General Court in 1651-52-56-57-60-61 and 66, and recorder of the County Court. On the 28th of July, 1692, he entered on the records an able vindication of his wife, who had been charged with witchcraft. Wymond Bradbury, the oldest son of Thomas, married Sarah, daughter of Robert Pike, and had three children. One of these children, Wymond, Jr., was born May 13, 1669, and married Maria, daughter of Rev. John Cotton, of Plymouth, Mass. John Bradbury, son of Wymond, Jr., was born September 9, 1697, and married Abigail Young. Cotton Bradbury, son of John, was born October 8, 1722, and married Ruth Ware, whose son James, born in York, Me., April 21, 1772, was the father of the subject of this sketch. James Bradbury married, first, Mrs. Ann Moulton, daughter of Deacon Samuel Moulton, a native of Newburyport, and widow of William Moulton, who was a relative of her family, and lived in Parsonfield, Me. The children of the first wife were James Ware, Samuel M. and Clarissa Ann. He married a second wife in 1837, and had a son named Cotton M. Bradbury.

The above genealogical summary shows that Mr. Bradbury carries in his veins a strain of unadulterated Puritan blood. Maria Cotton, his great-great-grandmother,

was the granddaughter of Rev. John Cotton, who was born in Derby, England, in 1585, and came to Boston, in 1633. Mr. Cotton was the son of Rowland Cotton of Derby, and, after due preparation for the ministry, was settled for a time in Boston, England. His son John, born in Boston, Mass., in 1640, graduated at Harvard in 1657, and, after a short settlement in Wethersfield, Conn., became the pastor of the First Church in Plymouth, in 1667, and continued his ministry there until 1697.

James Ware Bradbury, the subject of this sketch, was born in Parsonfield, Me., June 10, 1802, and received his early education in the public schools of his native towns, and at the academies in the towns of Saco and Limerick, Me., and Effingham, N. H. He fitted for college in Gorham, Me., and entering the sophomore class at Bowdoin College, graduated in 1825, delivering an English oration at the commencement exercises of his class. This was a remarkable class, containing such men as Little, Deane, Longfellow, Hawthorne, Cilley, Cheever, and Abbott, the historian. Longfellow wrote to his sister Anne, in a letter dated June 29, 1825, that the appointments for commencement were given out, and that his appointment was fourth in the class, only Little, Deane and Bradbury before him. The death of Deane before commencement left him third and Mr. Bradbury second. In Bowdoin College, at that time, and for many years after, the English orations had precedence in rank of the Latin Salutatory. After leaving college, he held the position of preceptor in the academy of Hallowell, Me., one year, and then entered as a student, the law office of Rufus McIntire, of Parsonfield, completing his law studies in the office of Ether & John Shepley, of Saco, Me. In the office of the latter, the reputation of his instructors and their extensive practice gave him the best opportunities for laying in a thorough manner the foundation of his professional career.

John Shepley, the older brother, had been a member of the Senate of Massachusetts, and was afterwards reporter of the decisions of the Supreme Judicial Court of Maine. Ether Shepley was at the time United States attorney for the District of Maine, holding that office from 1821 to 1833, when he was chosen United States senator. In 1836 he was appointed associate justice of the Supreme Judicial Court, and in 1846 chief justice.

In 1829 Mr. Bradbury went to Effingham, N. H., and opened a school for the instruction of teachers, and for about three months, with fifty pupils, he conducted what may justly be considered to have been the first normal school in the country. The purpose of this occupation was to fill up profitably the time which must elapse before the session of the court, at which he might be admitted to the bar. In 1830, after his admission to the bar, he began practice in Augusta, the capital of the state, and made that place his permanent home. The Kennebec bar at that time was a distinguished one. Before the days of railroads and the consequent centralization of lawyers in the larger cities, some of the most eminent attorneys of the day had their offices, not only in Augusta, but in Hallowell and Gardiner, and other small towns as well. Reuell Williams, Peleg Sprague, George Evans, Frederick Allen, Timothy Boutelle, Samuel Wells, Williams Emmons, Henry Weld Fuller and Hiram Belcher held the field against all comers, and the courage and determination of Mr. Bradbury were well displayed when he decided to enter the arena and to contend for the prize of success against these gladiators of the law.

After practicing three years alone he became associated in 1833 with Horatio Bridge in a partnership, which continued one year. After another period of seven years, during which he had secured a firm foothold in the profession and a large and extensive practice, he associated with himself Richard D. Rice, who had been a student in his office, under the firm-name of Bradbury & Rice. This partnership contin-



ued until 1848, when Mr. Rice was appointed judge of the Court of Common Pleas, from which position he was afterwards promoted to a seat on the bench of the Supreme Judicial Court. In 1848 Lot M. Morrill became his partner, under the firm-name of Bradbury & Morrill, and so remained until after Mr. Morrill was chosen United States Senator in 1861. In 1856 Joseph H. Meserve was admitted to the firm, and at his death in 1864 James W. Bradbury, Jr., became a partner, and continued with his father until his death in 1876.

Like many other lawyers Mr. Bradbury was allured early in his professional career by the fascinations of politics. He was then a Democrat, and during one year after his settlement in Augusta was the editor of the *Maine Patriot*. The columns of a newspaper furnish useful opportunities for a young man to make himself heard in the community, and, if he possesses wisdom and ability, through such channels he finds his way into difficult and important paths of business. In 1853 he was appointed county attorney, and ably performed the duties of that office four years. In 1844 he was a delegate to the Democratic National Convention in Baltimore which nominated James K. Polk for President, and made an active campaign in his behalf. With the Democrats of that period he advocated the annexation of Texas in opposition to the declared policy of the Whig party against an enlargement of our territory. It must be confessed, with the light of to-day, that the statesmen of the Democratic party had a clearer sight into the future necessities of the country, and that the Whig opposition was rather a partisan protest against Democratic measures than against what might be injurious to the nation's welfare. It is easy now to see what dangers would have threatened the Union, and perhaps secured its dissolution, if, during the Civil War, the vast territory of Texas had been under the domination of a foreign power.

In 1846 Mr. Bradbury was chosen United States senator, and, at the close of his term in 1853, he declined a re-election. The six years of his service covered one of the most memorable periods in the history of the country, and he was one of the most zealous in the sectional conflicts in which Congress was at that time engaged. He was, an ardent supporter of the administration in its prosecution of the Mexican War in opposition to the Whigs who resisted the measures proposed to strengthen our army in the field and thus carry the war to a successful conclusion. The treaty of peace with Mexico was also earnestly opposed, and its final ratification was due to the indefatigable efforts of a few statesmen, among whom Cass, Douglas and Mr. Bradbury were conspicuous.

In the adoption of the compromise measures of 1850, Mr. Bradbury took an active part. They were opposed by the extremists of both the North and South, and when finally carried, they were declared by Jefferson Davis to be a complete surrender to the North. Those of the North who were imbued with free-soil sentiments failing to realize the danger of the Union, which impressed the patriotic heart of Mr. Webster, denounced him for his speech delivered on the 7th of March, 1850; but after the lapse of nearly fifty years they are beginning to realize that the motive which actuated it was a desire to perpetuate the Union. The Union in 1850 was in greater danger than at any time during the Civil War. The central line of states would then have followed the South in their departure, while, in the War of the Rebellion, they contributed almost as many soldiers to the Federal army as all the states of New England, and yet it took almost four years to bring the war to a successful close. Mr. Bradbury is very emphatic in his condemnation of the unjust attacks upon Mr. Webster for his 7th of March speech. Knowing all the circumstances under which it was made, he has always regarded it as one of the most patriotic acts of Webster's illus-

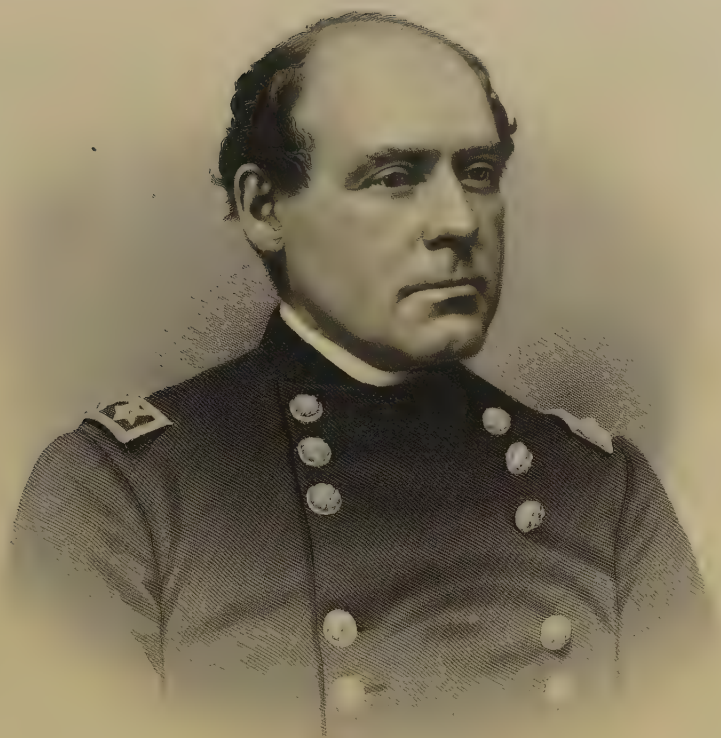
trious public life. It was his love of the Union, the devotion of a statesman in which no unworthy motive had any place, that led him to brave the censure of friends he esteemed and unite with the conservatives of both parties in the patriotic effort to save it from impending danger. They kept so advised of the movements during the long struggle as to understand the extent of the danger of which the people of the North had no belief or fear; and they persevered, under the censure of the abolitionized press, until they secured a settlement just in its terms and compatible with the honor of the North and the South. Webster's sin was his failure to vote for "The Proviso." Party spirit was so intense that the least deviation from a party measure was desertion, and the deserter's fate was inevitable.

Mr. Bradbury's defense of Webster from the unworthy motives, with which his enemies charged him, is of special value, as it comes from one who from personal conference with him during the long struggle, had the opportunity to judge fairly and to understand the influence that guided his action. The other northern conservatives were in like manner assailed and charged with weak timidity and friendship for slavery as the reward for their self-sacrificing efforts to prevent an attempt for the severance of the Union at the only time when there could ever be probable a chance for success.

While in the Senate Mr. Bradbury was a member of a special Committee on French Spoliations, chairman of the Committee on Printing, and a member of the Committee on Claims and on the Judiciary during the six years of his service. The latter position was a laborious one, as even that important committee then had no clerk for several years, and as he was the youngest member it was devolved upon him to keep the records, and draft many of the bills, besides making his share of the reports. The towns on the Kennebec river owe him a debt, which only appreciation and thanks can repay, for, to his efforts was due the first appropriation for the improvement of the navigation of that great channel of commerce. Mr. Bradbury was a hard-working member, and a ready debater, and, as the *Congressional Globe* shows, he took frequent part in the debates. His speech on French Spoliations was very elaborate, as well as that upon removals from office under the administration of President Taylor. In the latter he went into a detailed account of removals from office, and claimed that the facts showed that the Taylor administration that came into power upon the promise to make no removals from office for opinions, had been more thorough in its proscriptions than President Jackson's or any other Democratic administration had ever been.

When a member of the Committee on Claims, Mr. Bradbury became impressed with the necessity of some tribunal to investigate claims on the government, and in 1849 introduced a resolution for the appointment of a board of commissioners. In 1850 he offered a carefully prepared bill which, after passing the Senate, failed in the House, but proved finally the basis on which the Court of Claims was at a later session of Congress established.

In 1852, as a member of the Special Committee on French Spoliations, Mr. Bradbury had charge of the bill in the Senate "To provide for the ascertainment and satisfaction of claims of American citizens for spoliation committed by the French prior to the year 1800," and was chiefly instrumental in its passage by the Senate. In connection with the establishment of the northeastern boundary line under the treaty of Washington he also secured the passage of a bill to indemnify Maine and Massachusetts for their conveyance of lands on the American side of the new line to settlers who had received their grants from the British government to enable the government to fulfill its obligations under the treaty.



*S. Williams,*





Upon committees and in the Senate Mr. Bradbury was always on duty, keenly observant of legislation and ready to join in debate. He never failed to see the weak points in the arguments of his antagonists, or to present in clear and forcible language the strong points of his own. New England has had reason to be proud of her representatives in the Senate, but none have surpassed Mr. Bradbury as a hard-working, faithful and useful member.

Since leaving the Senate Mr. Bradbury has devoted himself to his profession and to the performance of such duties as the various offices he has filled have imposed upon him. For several years he was an overseer of Bowdoin College, and in 1860 was made a member of the Board of Trustees, of which since 1866 he has been chairman of the Committee of Finance. Since his election as trustee he has attended every annual meeting of the Board up to 1895. In 1872 the college conferred on him the degree of LL.D. For many years, also, he has been president of the Maine Historical Society, and a director in the Somerset and Kennebec Railroad. He is a member of the Congregational Church of Augusta, and has been a liberal benefactor in its support.

Mr. Bradbury married November 25, 1834, Eliza Ann, daughter of Thomas W. Smith, of Augusta, a superior woman, and an excellent wife and mother, who died January 29, 1879. They had four children: Henry Westbrook, who married Louise H., daughter of Dr. Thomas Gregorie, of South Carolina; James Ware, Jr., who died September 21, 1876; Thomas Westbrook Smith, who died May 11, 1868; and Charles, now living in Boston. Three sons of high character and full of promise thus died in early manhood. In his quiet home in Augusta, overlooking the waters of the Kennebec, in his family, consisting of the widow of his son Henry, who has carefully cared for him since the decease of his wife, and her young daughter, he is at the age of near ninety-five passing the closing years of an active career, with all his faculties as yet not seriously impaired, and as the visitor takes his hospitable hand he is reminded of some noble ship, which has escaped the perils of the sea, and is permitted in its age to lie at its moorings in some peaceful bay, a worthy memorial of a long and useful life.

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### SETH WILLIAMS.

**G**ENERAL WILLIAMS sprang from good old stock. His earliest ancestor in this country was Richard Williams, who came from Wales, and as early as 1637 settled in that part of Massachusetts now known as Taunton, of which territory he was one of the first purchasers from the Indians, and was for many years its principal inhabitant, and its representative in 1646, 1648 and 1650, and in some subsequent years. Fourth in descent from him was Captain Seth Williams (grandfather of the general who bore his name), who removed from Easton to Fort Weston (now Augusta, Me.), in 1779, and in 1781 married Zilpha Ingraham, a woman of remarkable strength of mind and character, a niece of the wife of Roger Sherman. On the mother's side his descent is traced from the worthy stock of Sawtelle, of Huguenot origin, which in early and later years honored and was honored by the good old town of Groton. He was the son of the Hon. Daniel Williams and Mary (Sawtelle), his wife, and was born at Augusta, Me., March 24, 1822, and the days of his childhood were passed in that pleasant town upon the banks of the beautiful Kennebec river. He entered the academy at West Point in July, 1838, at sixteen years of age, and, after the usual four years of study and discipline, he was honor-

ably graduated in July, 1842. In 1845 he was ordered to Texas, and was actively engaged in the war with Mexico in 1846, 1847 and 1848. He was in the heat of the terrible conflicts of Palo Alto and Cerro Gordo, and was at the siege of Vera Cruz, and, for "gallant conduct in the battle of Cerro Gordo," he was made brevet captain. Not long after the Mexican War closed, Captain Williams was called to West Point, as adjutant at the military academy, which position he acceptably filled until September, 1853, when he was made assistant adjutant-general, and (with but slight intermission) was occupied in the adjutant-general's office at Washington until December, 1860, when he was assigned to the Department of the West. The firing on Fort Sumter—that dread opening of the Rebellion—caused his recall to Washington, and his assignment as adjutant-general on Major-General McClellan's staff, in which position he served in the Virginia campaign; after which he was again occupied in the department at Washington, where he labored day and night in systematizing the varied information received by the department, and preparing himself to give, at all times, reliable information to military officers and others upon all subjects within his domain, where such information was needful. In this service he remained until March, 1862, after which time he was in the field at headquarters, as adjutant-general of the Army of the Potomac, serving in the Peninsular and Maryland campaigns with General McClellan; in the Rappahannock, Pennsylvania and Rapidan campaigns with Generals Burnside, Hooker and Meade, successively. Upon General Grant's accession to the chief command he was made a member of his staff, acting as adjutant-general for a time, and until, as a relief from his long-continued service in this class of duties, whereby his health had been seriously impaired, he was appointed as inspector-general, which position afforded him a change from severe local duty. In this official duty he continued upon General Grant's staff until nearly the close of his life. Thus he served during the entire Civil War, under the various commanders, each succeeding commander resting with entire faith and security on him, who recognized duty only, and gave unquestioning obedience to his superior officers. To him there was no question of expediency, no friendship, no antipathy that for one moment influenced him in regard to the ready, full and perfect performance of the service due to his country. He might truly have said, with the young Prince of Tyre,

"Like a bold champion I assume the lists,  
Nor ask advice of any other thought  
But faithfulness and courage."

His position, during all the years of our Civil War, was such that a failure in the performance of duty, or even a mistake on his part, might—nay, *would*, have jeopardized the great cause of the Union, for which so many lives were at stake, and upon the issue of which hung the destinies of so many millions of people.

In August, 1864, he was commissioned as brevet major-general of volunteers, "for highly meritorious and faithful service in the field in the several campaigns from Gettysburg, Pa., to Petersburg, Va." In the spring of 1865 he was further promoted to brevet brigadier-general of the United States army "for gallant and meritorious services in the campaign terminating with the surrender of the insurgent army under General Robert E. Lee," upon which promotion immediately followed his commission as brevet major-general of the United States army "for gallant and meritorious services in the field during the Rebellion." General Williams accompanied General Grant to Appomattox Court House, and was one of the few officers on that memorable occasion to witness the final surrender of General Lee. Indeed, it has been said that at that interview the first words spoken were those of recognition between



General Lee and General Williams, who were former friends, and had at one time had been associated together at West Point. Thus was it permitted to him as the crowning gratification of his life to participate with those three or four other officers present, in that great closing scene of the Rebellion. Louis Phillippe D'Orleans, the Comte de Paris, who was for a time with the Army of the Potomac and closely associated with General Williams, writes to him thus, under date of York House, Twickenham, S. W., May 7, 1865: "When I saw that you had accompanied the Lieutenant General at that memorable interview at Appomattox Court House, I thought that my former relations with you authorized me to address you my hearty congratulations for having been witness of one of the greatest military and political events of our century. But what I congratulate you most upon is to have been at work, and at the same work from the first days of the Army of the Potomac to its final triumph. When I think of how many times as adjutant-general you began that work anew, I realize the immense satisfaction you must feel to-day."

General Williams continued upon the staff of the general-in-chief as inspector-general to February 9, 1866, from which time to March 1st of that year he nominally served as adjutant-general of the military division of the Atlantic, having his headquarters at Philadelphia; but the head of the strong man was bowed, and the vigorous mind, resolute during all the excitement and necessities of the war, gave way from the reaction, when the days of battle were ended. Such, in brief, is the military history of this accomplished, valuable and valued officer in the army of the United States, who, acknowledging his obligation, amply repaid to his country all that he had received at its hands, even to the yielding of his life in its behalf, which event occurred March 23, 1866, when he lacked but a single day of attaining forty-four years of age. But "life is not always measured by the lapse of years; that life is long that answers life's great end."

The newspapers of the country paid due tribute to his memory. The *Nation* said of him; "The memory of none who have yet to die will be held more sacred by soldiers than his. Painfully diffident of his own merits, in all duty he was great, comprehensive, resolute, and untiring." The whole press at Washington concurred in the sentiment that "no officer, of any grade, bore a higher character for integrity, honor, and unflagging zeal for the success of our arms; few officers were more generally known, and no one was more universally beloved." The *New York Times* closed its obituary notice with these words: "Hundreds of thousands of the living heroes of this war will heave a deep sigh of regret as they read of the death of Major General Seth Williams." The *New York Evening Post*, after a touching and beautiful tribute to his worth, said in conclusion: "So modest was he, of such a delicate and gentlemanly spirit, and, while so able, unwearied, unrelaxing in his own duties, so generous in his judgment as to the duties and services of others, that to know him made it necessity to love him. No one could name his name, at least to any army officer, without meeting the warm answer, and even exclamation of attachment and respect, as if this one man was the common and beloved property of all."

General Grant ordered flags at half-mast at his quarters and other military stations, and requested, by telegram, that West Point might be made the final resting place of General Williams' body—a request with which his family was unwilling to comply, though fully appreciating the tender kindness which prompted it—and he was laid at rest by the side of his mother, at Forest Grove Cemetery, in Augusta, Maine, with that simplicity he would himself have desired.

It was not his to die upon the battlefield. He lived to realize that the battle had been fought, and the victory won. Then, having faithfully done his duty, and

no longer able to resist the disease brought on by nearly superhuman efforts during the four years of civil strife, he yielded up his life as an offering to his country, amid loving friends, honored and beloved by all who knew him, mourned by the army, and by all patriotic hearts, which felt and could appreciate the "true and laudable service," he had rendered to the great cause of the Union. So fell this Christian gentleman and soldier.

It may be truly said of him:

"His life was gentle; and the elements  
So mixed in him that Nature might stand up  
And say to all the world,—*This was a man!*"

This account of General Williams is taken from a paper written by his brother-in-law, and intimate friend, Benjamin Apthorp Gould Fuller, and read before the New England Historical and Genealogical Society, of Boston, Mass., on March 5th, 1884.

### HORACE WILLIAMS.

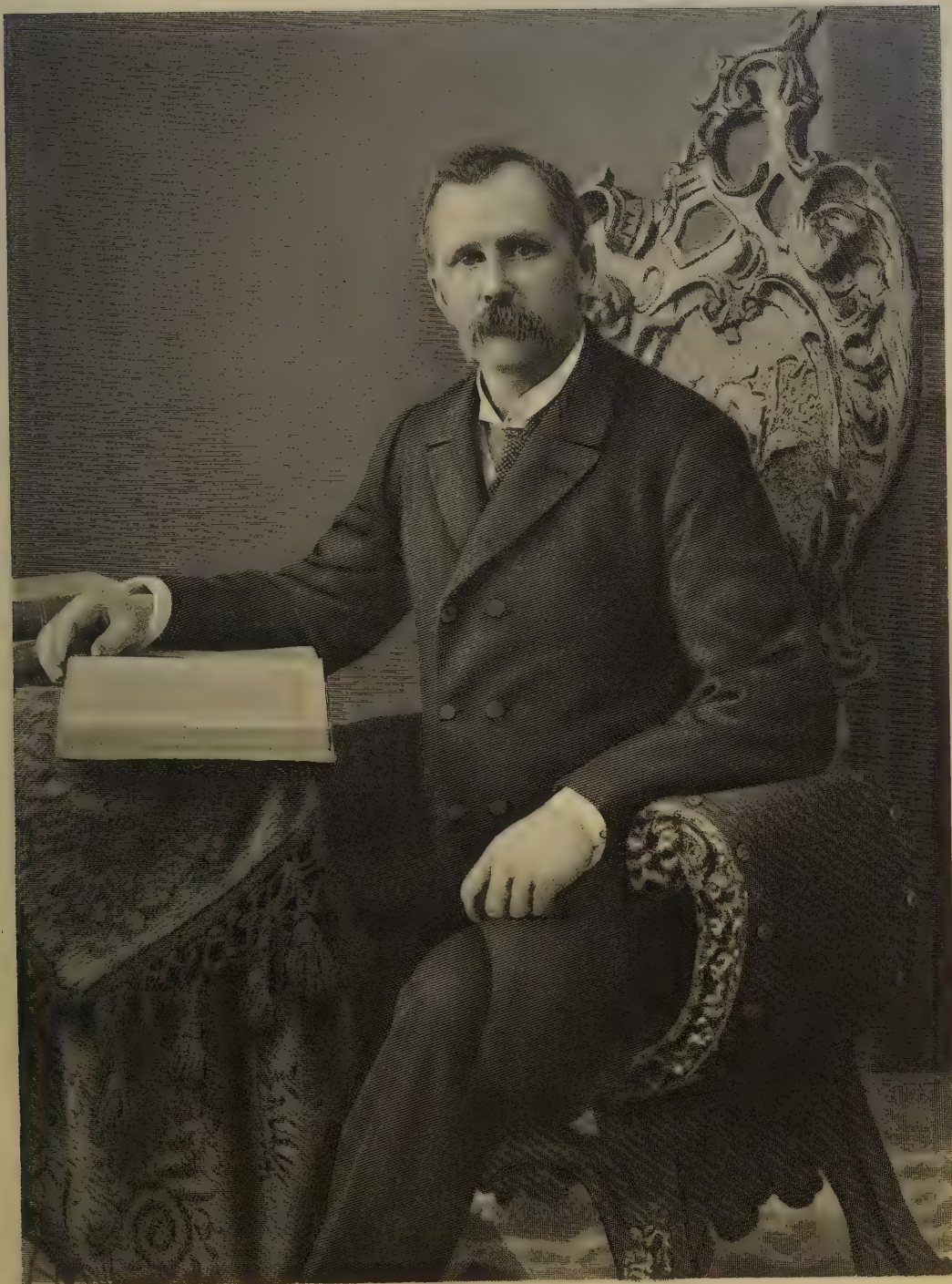
**H**ORACE WILLIAMS, the brother of Gen. Seth Williams, was born on Feb. 23, 1824, in Augusta, Me., but the greater part of his life was spent in the West. A most loyal son of Maine always, he is a representative of that fine New England stock which has done so much to mould and shape the present and the future of the great West. "They builded better than they knew," those brave, earnest men, who, taking with them the sterling qualities of mind and heart, inherited from their Pilgrim and Puritan ancestors, went out from their New England homes to seek their fortunes in the then "New West," and their influence can never cease to be felt, though their names may be forgotten as the years come and go. The early life of Horace Williams was passed in his native town, Augusta, and in the excellent public schools there he fitted for Bowdoin College, which he entered, and where he spent some two years, leaving only because it became necessary for him to take up active work. In 1849, influenced, as so many others were, by the reports which reached the East of the wonderful gold mines of California, he was one of those who sailed from New England for the new El Dorado. The story of the voyage around Cape Horn in a vessel destitute of almost every provision for the comfort of its passengers, and of the years of struggle from 1849 to 1853, reads like a romance, with an undercurrent of deep pathos running through it. It has been well told in "Golden Dreams and Leadens Realities," a book written by the late George S. Payson, a well-known lawyer of Chicago, Ill., but a native of Maine, who was one of a little party of four, of which Horace Williams was another, who suffered, and enjoyed, and toiled together. This book, which is a most graphic picture of the life of those brave "'49ers," is unfortunately out of print now. Though fortune did not bring to them the golden reward they had fondly dreamed of, there can be little doubt that they gained such added strength and determination of character, and power to "endure hardness," as materially helped to make their after lives successful and useful. In 1853 Mr. Williams returned to his old home, Augusta, where he remained until 1856, when he went to Clinton, Ia., then an embryo western town, but one in which he saw such possibilities for the future as made him feel justified in deciding to make it his home, and he was for a period of thirty-seven years closely identified with the history and growth of that city, which honors his memory and cherishes it gratefully. The



*Monac Williams*







*Edwin C Burleigh*





Clinton *Herald* said of him : "To his financial and individual support is due largely the success of many early enterprises, which placed this city in a position where future growth was assured." He was one of the founders of St. John's Episcopal Church, and contributed largely towards its support, and he contributed to the building of many other churches, and in all ways was a most public-spirited citizen. In the early days of Clinton he authorized the county treasurer to give receipts to worthy property-holders too poor to pay their taxes, and he would liquidate them. He often gave authority to provide the poor with food at his expense, and during a long period he placed in the hands of others a check-book, with blank checks signed by him to be filled out at their discretion to furnish help to the needy, many of whom never knew whose hand came to their relief.

As a business man, he showed rare wisdom and foresight, and he was identified with the construction and management of important Western railroads, which add greatly to the growth and prosperity of the sections of country through which they pass. He was also one of the principal founders of the Iowa Land Company, taking a prominent part in laying out the original plat of Clinton. As a noble citizen and benefactor, he was honored and loved ; as a man, he was of so rare a nature that to know him was to be lifted into a purer, higher atmosphere at once. Honorable, high-minded, incapable of any base or unworthy thought or deed, great enough to love simplicity in all things, retaining always the heart of a boy, living for the good and happiness of others, doing day by day the most beautiful deeds in the simplest way, without letting his right hand know what his left hand did, the world is the richer and the happier for his having lived in it. To know him made it impossible to ever forget him. It was well for the future of our great West, that in her early days New England gave of her best sons and daughters to help lay the new foundations strong, and no nobler man, or one more trusted and beloved, went from the East than Horace Williams. After passing thirty-seven years of his life in Clinton, Iowa, he returned to Augusta, Me., to live among his own people, in the home of his boyhood, for which he had always kept his early love. But within a few months of his return he died on August 14, 1894. Seldom is it given to any one to leave to the world so beautiful a record of lofty and unselfish living, and one of the many lovely influences his life carried with it, has been well expressed by one who knew him : "Whenever I think of Mr. Williams I think of happiness !"

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### EDWIN CHICK BURLEIGH.

**E**X-GOVERNOR BURLEIGH, the leading proprietor of the *Kennebec Journal*, has his home in Augusta, Me., and, aside from the performance of the duties incident to the various offices he has filled, has, in connection with his brother, Hon. Albert A. Burleigh, of Houlton, Me., the able president of the Bangor and Aroostook Railroad, done much towards developing the resources of the state. He is descended from Giles Burleigh, who came from England to New England in the early days of the Massachusetts colony, and settled in Ipswich. Some branches of the family bear the name of Burley. The records show that James Burleigh and Josiah Burleigh, son and grandson of Giles, lived in New Hampshire, the former dying at Exeter about 1721 and the latter in Newmarket, probably between 1755 and 1760. Thomas Burleigh, son of Josiah and great-grandson of Giles, removed to Sandwich, N. H., in 1775, where he occupied a farm and built a house on what is still called Burleigh Hill. Benjamin Burleigh, son of Thomas, who was in

early life a farmer and afterwards a merchant, had a son, Moses, who was born in the old home on Burleigh Hill, March 25, 1781. In early life Moses Burleigh removed to Palermo, Maine, where he resided until 1830. He was a man of great natural ability; at all times active and aggressive, he was a born leader of men. During his residence in Palermo he was the most prominent man in that section of the state. He was for years chairman of the Board of Selectmen. In the War of 1812 he was elected a captain of the militia, and marched with his company to Belfast at the time the British entered the Penobscot river to destroy the United States frigate, "Adams." He was promoted to lieutenant-colonel in 1816. He represented his district in the Massachusetts General Court in 1812, 1813 and 1816, and in the Maine Legislature in 1821, 1823 and 1828. He was a delegate to the convention held in Brunswick in 1816 to canvass the returns of the vote upon the expediency of a separation from Massachusetts, and was one of its one hundred and three members who voted for a construction of the returns that favored the establishment of a sovereign state in the district of Maine. As contractor he carried the first mail by carriage between Augusta and Bangor, it previously having been carried on horseback. In 1830 he removed to Linneus in Aroostook county, Maine. In 1831 he was appointed assistant land agent to guard the public lands bordering upon the national boundary line, and, by well-directed raids, succeeded in breaking up various parties of timber trespassers, and compelling them to return to their homes in the British provinces. He was the first postmaster of Linneus, and served for many years as the chairman of its Selectmen. He died in Linneus, February 13, 1860.

Parker Prescott Burleigh, son of Moses, was born in Palermo, Maine, May 16, 1812, and was the father of Edwin C. Burleigh, the subject of this sketch. He married, first, Miss Caroline Peabody, daughter of Jacob and Sally (Clark) Chick, who died April 6, 1861, and second, May 29, 1873, Miss Charlotte Mehitable, daughter of Colonel James and Mehitable (Jones) Smith. His occupation was that of a farmer and land surveyor. He was educated at the Hampden Academy, in Maine, and at the Hartford, Connecticut, Grammar School, at that time one of the best-known literary institutions in the country. At the same time he received instruction in military tactics from Colonel Seymour, afterwards governor of the state. He removed with his father from Palermo to Linneus in 1830, and devoted some time to obtaining instruction in land surveying. His knowledge of timber lands in the Maine wilderness is not excelled by any-man in the state, and during his long and active life he has made many profitable investments in this species of property. He was for many years, and at various times, chairman of the selectmen of Linneus, town clerk, town treasurer, supervisor of schools, county commissioner and county treasurer. In 1839 he was elected captain of the Linneus company of the state militia, and in 1840 was promoted to lieutenant-colonel of his regiment, which position he held for seven years. For twenty-five years he was postmaster at North Linneus. He was a member of the Maine House of Representatives in 1856 and 1857, and of the Senate in 1864, 1865, 1877 and 1878. He was elected state land agent in 1868 and served in that capacity for eight years, during which time he was appointed chairman of the commission on the settlement of the public lands, under which the Swedish settlers were so successfully introduced into Aroostook county in 1870. He is still living at the advanced but vigorous age of eighty-five, in Houlton, Maine, and in perfect health.

Edwin Chick Burleigh, the subject of this sketch, son of Parker Prescott and Caroline (Chick) Burleigh, was born in Linneus, Maine, November 27, 1843. He was educated in the public schools, and at Houlton Academy, where he took a pre-

paratory course for college. Following in the footsteps of his father, he educated himself as a land surveyor, the large amount of timber land in Aroostook making this profession a busy and a profitable one. It also afforded opportunities for advancement to well-educated young men of clear heads and active habits. For a time after leaving the academy, he taught school, but, the war coming on, he went, with his brother, to Augusta and enlisted in the District of Columbia Cavalry. He was, at this time, only an overgrown boy, and did not then have the robust health that it has been his good fortune to enjoy in later years. As a result, he was rejected by Dr. George E. Brickett, the examining surgeon. Bitterly disappointed in his ambition to enter the service, and still eager to breathe the atmosphere of military life, he obtained a situation as clerk in the office of the adjutant-general of Maine, where he remained until the close of the war. He then followed the occupation of farming and land-surveying until 1870, when he was appointed a clerk in the State Land Office at Bangor. He removed his family to that city in 1872. In 1876-1877 and 1878, he was state land agent, and, during the same years, was also assistant clerk of the House of Representatives. In 1880, he was appointed a clerk in the office of the state treasurer, and removed permanently to Augusta. In 1885, he was elected treasurer of the state, the duties of which responsible position he performed with signal ability and success. During his service as treasurer the public debt of the state was decreased more than four hundred thousand dollars, and the rate of taxation reduced from four mills to two and three-quarters mills on a dollar of the state valuation. In 1888, he was elected governor of Maine by 18,053 plurality over Hon. William L. Putnam, his Democratic competitor. He was re-elected in 1890, when the voters were without a presidential contest to stimulate them to political activity, by the increased plurality of 18,899.

His administration of state affairs was pre-eminently a constructive one. He brought to the executive chair the qualities that command success. He was modest in his bearing, temperate in his habits, and enjoyed a merited popularity with the people of his state. With a wonderful capacity for work, he combined, in a marked degree, the executive faculty. He never spared himself, and, during his entire incumbency of the executive chair, was always accessible to all classes of his fellow-citizens. His addresses to the legislature were models of clearness and strength. Press and people united in commending his administration. His appointments were very strong, and were always made with an eye single to the needs of the public service.

As a political organizer, Governor Burleigh has few, if any, superiors in New England. With a courteous and kindly bearing, with broad and generous sympathies, he combines great energy and aggressive force. His political movements, though rapid and vigorous, have always been honorable and above-board. He makes no promises, political or otherwise, that he does not redeem. He has been a man of action rather than words, and, in his distinguished public career, has left behind a record of honorable service and substantial achievement that speaks far more eloquently than words could possibly do.

His four years in the gubernatorial office were, in an eminent degree, constructive years in the life of the state government. Through his influence and untiring efforts a scheme for the removal of the state capitol from Augusta to Portland was defeated. To him, also, is due the credit for the passage, by a large majority, of a resolve appropriating \$150,000 for the enlargement of the old state house. He served as chairman of the commission under whose direction the state-house addition, provided for in this resolve, was built. It is estimated that this course of action, while



affording the additional room needed by the state government, effected at the same time a probable saving of \$2,000,000 to the state.

In 1889, under a resolve of 1887, Governor Burleigh became chairman of a committee to locate and purchase a permanent muster field. An informal vote located this field in another part of the state; but, through the very earnest personal efforts of Governor Burleigh, this vote was re-considered, and, upon his recommendation, it was voted to purchase historic Camp Keyes, in Augusta. It is an ideal field for encampment purposes, situated upon an elevation commanding a fine view of the surrounding country, and comprising an almost level field of about sixty acres. The soil is light and dry, and there is fine natural drainage. Governor Burleigh paid, on behalf of the state, \$3,500 for this field. Good judges now estimate the value of the real estate, covered by the deed, at from \$8,000 to \$10,000.

During the winter of 1889, through the columns of the *Kennebec Journal*, Governor Burleigh called attention to the crowded condition of the insane hospital, and urged that the dictates of humanity and the highest interests of the state, demanded the location of a new hospital in Eastern Maine. A resolve was passed, authorizing the governor to appoint a commission to purchase suitable grounds at or near the city of Bangor, and to cause such site to be put in suitable condition for the erection of hospital buildings. This was the beginning of a movement already well advanced, which is destined to add to the institutions of Maine a new and creditable one.

In his first inaugural address, Governor Burleigh called attention to the discrepancy between the state and United States census valuations, and recommended a closer inquiry into forms of property other than real estate. The result was, that under the searching methods adopted by the valuation commission, the state valuation was increased from \$236,000,000 to \$309,000,000.

The legislature of 1889 authorized the governor to appoint a commission to inquire into the system of taxation of other states, and of Maine, and report to the governor and council. The commission appointed by Governor Burleigh was conceded to be an exceptionally able one. Its report, written by the chairman, Hon. Oliver G. Hall, now judge of the Superior Court for Kennebec county, was one of comprehensive grasp and conspicuous ability, and exerted a marked influence upon subsequent legislation. It recommended the appointment of a state board of assessors. Governor Burleigh earnestly endorsed this recommendation in his address to the legislature of 1891, and also urged that such board should be, in so far as possible, non-partisan and non-sectional. The result was the passage of a law creating a board of state assessors, under which valuations are now kept in line with the material growth of the state, and more equal justice accorded to property-holders than was ever before possible.

In his inaugural address of 1889, Governor Burleigh expressed the opinion that a state of Maine three per cent. bond would command a considerable premium. The state debt was then bearing interest at six per cent. Acting upon Governor Burleigh's suggestion, the legislature authorized an issue of bonds to cover the entire state debt, amounting to \$2,384,000, about two-thirds of which became due June 1, 1889, and one-third October 1st, of the same year. On March 15th, two days after the adjournment of the legislature, the governor and state treasurer inserted an advertisement in the leading papers of New York, Massachusetts and Maine, soliciting proposals for the loan. These proposals were to be opened March 27, 1889. The result was the sale of the entire loan at a premium of \$79,900, which amount was applied directly to the payment of the public debt. Soon after

the negotiation of these bonds, there was an unfavorable turn in the money market, and had these initiatory steps been delayed it is altogether probable that the bonds could not have been floated at par. The annual saving in the interest account effected by this successful funding of the state debt amounted to \$71,520.00, and has very materially lightened the burdens of the taxpayers.

In his address before the Legislature of 1891, Governor Burleigh took a strong stand in favor of the Australian system of voting. There was a powerful opposition to this measure. On the first vote in the House of Representatives it was defeated. It was soon evident that the people were very strongly in its favor, and the situation became such that the governor felt that it would be a disaster to party interests, if he did not exert every possible effort to secure its adoption. As a result, the vote of the House was reversed, and the measure secured a good majority in both branches of the legislature. Time has fully demonstrated the wisdom of its adoption. It is now in successful operation in almost every state in the Union.

Through the recommendation of Governor Burleigh, who has always been in sympathetic touch with the farmers of the state and their interests, the secretary of the board of agriculture was given a merited increase of salary and assigned permanent quarters at the State House, thus making his department convenient and available to the public, and enabling him to devote his whole time to the important and exacting duties of his office.

The survivors of the late Civil War have had no truer friend in Maine than Governor Burleigh. It was upon his very earnest recommendation that the legislature of 1889 increased the appropriation for disabled veterans, and those dependent upon them, from \$70,000 to \$135,000.

The work of the citizen soldiers of the state has also had his warm interest and support, and, during the four years that he was commander-in-chief, the National Guard of Maine was vastly improved in its morale, and made a notable and gratifying advance in its mastery of military science.

It was upon the recommendation of Governor Burleigh that the law was passed providing heavy penalties for the careless setting of forest fires, and making the land agent the forest commissioner of Maine, with wardens in every section of the state. The expense of this department has been small, but the value of its work to the state is generally recognized, and would be difficult to estimate.

When the State Library was about to be moved into its new quarters in the State House extension, in 1891, Governor Burleigh called the attention of the legislature to the great importance of supplying it with a modern card catalogue, in order that its treasures of information might be unlocked and rendered easily available to its patrons. For this purpose he advocated an appropriation for the purchase of the necessary cabinets and other material, and the employment of additional help, skilled in this class of work. The legislature responded to this appeal, and to-day the State Library, of Maine, in convenience and usefulness, is second to none in New England.

We have thus touched, briefly, upon a few of the salient features of a strong and able administration—one that was deservedly popular with the people of Maine, during which the rate of state taxation touched the lowest figure in its history, and which, in the important and permanent results it achieved along the lines of progress, is second to none in the annals of the state.

Although he has never made any pretensions to oratory, Governor Burleigh has shown, upon more than one public occasion, his ability to give terse and vigorous expression to his views when occasion requires. The Democratic gubernatorial

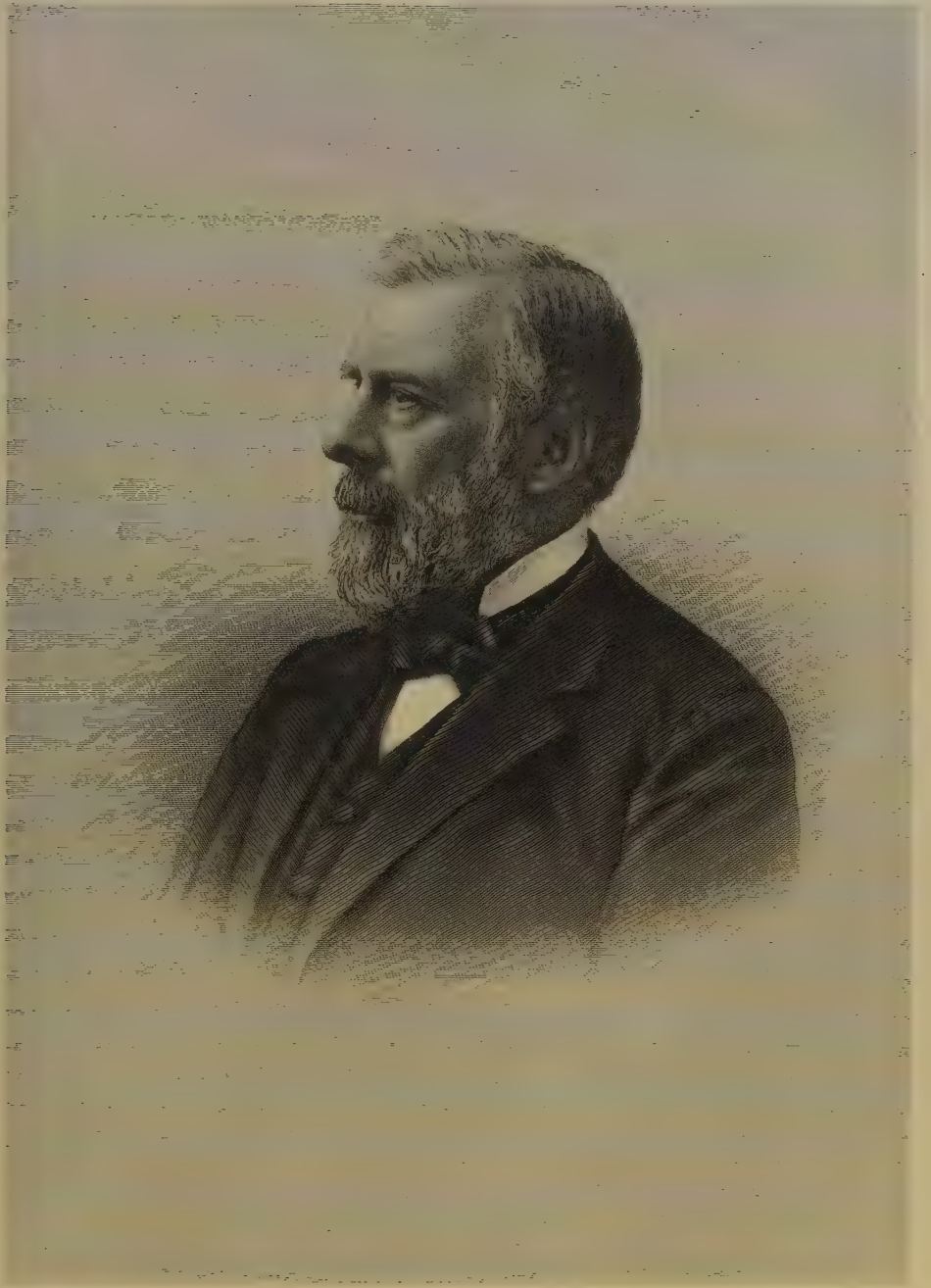
candidate in the Maine campaign of 1892 was Hon. Charles F. Johnson, of Waterville, a young lawyer of clean character and attractive personality. In his campaign speeches Mr. Johnson attacked with considerable vigor the Republican management of state affairs, and especially of the state finances. These were matters with which Governor Burleigh was thoroughly familiar, and in a masterly speech of about an hour, delivered at a crowded meeting in Linneus, he replied to Mr. Johnson in detail, showing conclusively that the Democratic candidate had labored under a sad misapprehension of facts, and had persistently argued from false premises to wrong conclusions. Mr. Johnson never attempted any reply to this address of Governor Burleigh, nor did he afterwards repeat the errors of statement it pointed out. Thousands of copies of it were immediately printed by the Republican state committee and distributed broadcast all over Maine. The clear statement of facts and the cogent arguments of this address were used with telling effect by Republican speakers during the closing days of the campaign, which resulted in the triumphant election of the Republican ticket.

In the summer of 1896 Governor Burleigh attended the Republican National Convention at St. Louis as a delegate at large from Maine.

As has already been stated in this article, Governor Burleigh is the principal owner of the *Kennebec Journal*, which is edited by his son, Clarence B. Burleigh. The *Journal*, in his hands, is maintaining the high reputation it won under the management of Luther Severance, James G. Blaine and John L. Stevens, and is an organ of the Republican party to whose earnest and able work the growth of Republican principles in Maine is largely due. Although not actively connected, hitherto, with its editorial management by reason of his busy life as a public official and his extensive business interests, Governor Burleigh has, during the past eight years, contributed many articles to the columns of the *Journal*, and is recognized throughout his state as a clear and forceful writer. The positions he holds of director in the Granite National Bank and trustee of the Augusta Safe Deposit and Trust Company, show the confidence reposed in his integrity and judgment by the business men of his own city.

Governor Burleigh married, June 28, 1863, Miss Mary J., daughter of Benjamin Bither, of Linneus, and has had the following children: Clarence Blendon Burleigh, born November 1, 1864, graduated at Bowdoin College in 1887, and married Miss Sarah Page Quimby, daughter of Hon. Joseph H. Quimby, of Sandwich, N. H. He lives at Augusta, holds the office of state printer, and is editor of the *Kennebec Journal*. Carrie Frances Burleigh, born July 23, 1866, married Dr. Robert J. Martin, a practicing physician in Augusta. Vallie Mary Burleigh, born June 22, 1868, married Joseph Williamson, Jr., son of Judge Williamson, of Belfast, Maine, who is now practicing law in Augusta. Lewis Albert Burleigh, city clerk of Augusta, born March 24, 1870, graduated at Bowdoin College in 1891, and at Harvard Law School in 1894, and is now practicing law in Augusta with his brother-in-law, under the firm-name of Williamson & Burleigh. He married Miss Caddie Hall Brown, daughter of Hon. S. S. Brown, of Waterville. Lucy Emma Burleigh, born February 9, 1874, married Hon. Byron Boyd, now Secretary of State of Maine, and Ethelyn Hope Burleigh, born November 19, 1877, who is attending a private school in Boston.





*H. M. Harlow*



## HENRY MILLS HARLOW.

**H**ENRY MILLS HARLOW, for many years superintendent of the Maine Insane Hospital in Augusta, was descended from William Harlow, who came from England in 1637, and after a short residence in Lynn and Sandwich, Mass., settled permanently in Plymouth in that state.

William Harlow married in Plymouth, in 1649, Rebecca, daughter of Robert Bartlett, and from her Dr. Harlow traced his descent. Robert Bartlett came to Plymouth in the "Ann" in 1623 and married in 1628 Mary, daughter of Richard Warren, one of the "Mayflower" passengers. Thus Dr. Harlow was descended also from one of those who landed in Plymouth on the 21st of December, 1620. William Harlow married two other wives, Mary, daughter of John Faunce, of Plymouth, in 1658, and Mary, daughter of Robert Shelley, of Scituate, in 1665. The house in which he lived in Plymouth is still standing.

Samuel Harlow, son of William and Rebecca (Bartlett) Harlow, was born in Plymouth in 1652 and had two wives, one named Priscilla, and one named Hannah. By the second wife he had a son Eleazar, born in Plymouth in 1694. Eleazar married in 1715 Hannah, daughter of Benoni Delano, of Duxbury, and had a son Eliphas, born in 1716. Eliphas removed to Taunton, Mass., and was at one time sheriff of Bristol county in that state. Eleazar, son of Eliphas, was born in Taunton in 1740, and married Rhoda Alexander, of Northfield, Mass., and afterwards settled in Westminster, Vt. Levi Harlow, son of Eleazar, was born in Westminster in 1767, and married, first, Elizabeth Ranney and, second, Peggy Hitchcock. Eleazar Harlow, son of Levi and Elizabeth (Ranney) Harlow, was born in Westminster in June, 1797, and married in 1820 Ruth Owen, of Ashford, Conn., a granddaughter of Chief Justice Owen, of Providence, R. I., and was the father of the subject of this sketch.

In the above genealogical summary it will be seen that Eleazar Harlow, son of Eliphas, married Hannah, daughter of Benoni Delano. This marriage was another link in the chain connecting Dr. Harlow with the Pilgrims. Benoni Delano was the son of Thomas Delano, of Duxbury, and Thomas was the son of Philip, who joined the Pilgrims in Leyden, and came to Plymouth in the "Ann," in 1623. Philip was, probably, the son of Jean and Marie de Launey, and was baptised in the Walloon Church, in Leyden, in 1608. Still another link in the chain connecting Dr. Harlow with the Pilgrim band is to be found in the marriage of the above Thomas Delano to Mary, daughter of John and Priscilla Alden, both members of the "Mayflower" Company.

Henry Mills Harlow, son of Eleazar and Ruth (Owen) Harlow, was born in Westminster, Vt., April 9, 1821. He was brought up on the farm of his father, and received his education in the district school, at the academy in Ashby, Mass., and at the Burr Seminary, in Manchester, Vt. During the latter part of his seminary course he taught school during the winter months. After deciding to prepare for the practice of medicine, he entered, as a student, the office of Dr. Alfred Hitchcock, of Ashby, Mass., and in 1842 attended the lectures of the Harvard Medical School. In 1843 he was under the instruction of Professor Rush Palmer, of Woodstock, Vt., and attended lectures there and at the Berkshire Medical School, in Pittsfield, Mass. In 1844 he graduated at the latter institution, and in further preparation for practice, devoted himself to the study of nervous diseases. He was appointed assistant physician in the Vermont Insane Asylum, at Brattleboro, then under the charge of Dr. William



H. Rockwell, where he remained one year. In 1845 he was appointed to the same position in the Maine Insane Hospital (Maine Hospital for the Insane), under Dr. James Bates, and remained until 1851, when he was appointed acting superintendent, and continued in that service until June, 1852. At the latter date he was made superintendent, and had charge of the hospital until May, 1885, during a period of thirty-three years. Under his skillful management, and under the influence of his high professional attainments, important improvements, both in the practical details of the institution and in the treatment of inmates, were introduced, and, as a result of his work, the state of Maine possesses an asylum for the insane of a high and widespread reputation. During his connection with the institution more than five thousand patients passed under his care, and at the time of his resignation he enjoyed a reputation for successful treatment of the insane not surpassed by any in that department of the profession.

In 1852 Dr. Harlow was made a member of the National Association of Medical Superintendents of Insane Hospitals, and was a member of the New England Psychological Association from the time of its organization. Of the latter association he was chosen president in 1879. In 1861 he was president of the Maine Medical Society, and all through his career he was held in the highest esteem by his professional brethren.

Dr. Harlow was a man possessing a strong religious sentiment, and during his whole career led an upright and Christian life. In his boyhood he became associated with the West Parish Congregational Church in Westminster, and after his removal to Augusta was admitted a member of the South Parish Congregational Church in that city, and in 1877 was made one of its officers. His calm temperament, his sympathetic heart, his love for his fellow-men, the fruits of his religious experience, were, as much as his professional skill, the means of his eminent success. Without these traits no man can be useful in the treatment of the insane.

Dr. Harlow married, October 14, 1852, Louisa S., daughter of William A. and Lusannah (Stone) Brooks, of Augusta, whose ancestor, Capt. Thomas Brooks, came from England in 1636. He had five children: William Brooks, who was born July 19, 1853, and died an infant; Alice Wardwell, who was born October 22, 1855, and died in 1891; Henry Williams, who was born April 28, 1859, and died in 1885, after having graduated at Harvard and taken his medical degree at Bowdoin; Mary Brooks, who was born August 10, 1865, and married O. C. S. Davies, a successful physician in Augusta; and George Arthur, who was born July 15, 1867, and, after graduating at Amherst College and the Harvard Medical School, attended medical lectures in Vienna and Berlin, and is now in practice in Boston.

Dr. Harlow, after resigning his position in the Maine Asylum in 1885, conducted for a few years a private office for the treatment of nervous diseases, and died April 5, 1893.

### EDWARD CHARLES ALLEN.\*

ONE *may* be great and be a follower; one *must* be great to be a leader. E. C. Allen was a leader. In the special field in which he acquired his fame and fortune he knew no counsellor, he had no guide. Others have followed his leadership; others have achieved pronounced success; but he was the pioneer. He it was who showed the path—aye, *made* the path; the torch of his genius led the

\* By Charles S. Hichborn.



G. Allen





way. Time-honored lines, established methods, the ruts of custom, won no special respect from him. He was progressive, yet withal, conservative. He was constantly ringing out the old and ringing in the new; and the new, with him, was ever better than the old. It was his creative genius, his audacity of method and his brilliant success that startled the publishing world and fixed his status in the realm over which he early found himself the unchallenged ruler.

The story of his life, cut off in its early summer, with its high lights and deep shadows and almost tragic ending, is of absorbing interest; it touches the heart, it stimulates the ambition, it kindles courage, it dignifies manhood.

The little town of Manchester, in the state of Maine (adjoining the city of Augusta), in which he was born and reared, furnished meagre opportunities for development in any direction; it presented no unusual examples, it inspired no great hopes. Mr. Allen was fortunate, however, in his blood-lines and in the home atmosphere which surrounded him from his birth, for James Madison and Julia Morrill Allen were of sturdy stock and noble character; of refined tastes and cultivated minds; and he laid claim, through heredity and by training, to the sterling qualities of heart and mind which manifested themselves in early childhood, and shone out through his years of manhood with ever-increasing brilliancy and power.

He was scarcely in his teens when he exhibited striking capacity to devise and manage. Even in the many little affairs of a boy's farm life he showed an energy and an adaptation that bespoke something of the tremendous forces lying latent in his system, and gave promise in youth of what in manhood he came to be, a splendid specimen of both physical and mental strength,—broad-shouldered, deep-chested, big-hearted, level-headed.

He enjoyed such public school privileges as were ordinarily offered to the country lad of his day; these were limited and hard-earned, for the grade was not high, the school year short, the little school-house a goodly distance from his home, and the walk often accompanied by conditions sufficient to weaken the courage of any but a determined "Young America." Home tuition, however, was careful and constant, and the mind which showed such breadth of grasp in mature years, was able even in youth to lay hold of the best within its reach, and, in spite of untoward circumstances and somewhat unfavorable conditions, to gather to itself a very considerable portion of the rudimentary branches of learning. Old Kent's Hill Seminary gave him a few finishing touches, and then he felt that his school-life was over. He realized his deprivations in this respect,—realized as one would not who was less ambitious; but with an abundant faith in his capacity to acquire, with unflinching courage in his ability to endure, and with a dogged determination to persevere to the end, he made up his mind to cut loose from his surroundings and complete his education in the university of life. The fruit of his after years gave unmistakable evidence of the wisdom of his decision.

His intimate acquaintance with the home life of those removed from the centres of social and business activity, although bounded by the narrow circle in which he necessarily moved, his knowledge of their desire and his faith in their integrity, undoubtedly had much to do with shaping his career. He believed in "the common people;" and during those years of youth when from the average boy the present only claims attention, he was stretching his vision away into the future; he was busying his brain in an endeavor to devise a method for putting himself in contact with these people and establishing relations which should be at once pleasurable to them and profitable to himself. Long and well he pondered over his scheme. Authorities,—there were none; counsellors,—he had none;—perchance, wanted

none; for self-dependence was then, and always, one of his most strongly-marked characteristics. How vastly his later work over-shadowed even his boyhood visions, one may not tell. It may well be doubted if he ever dared hope for such abundant harvest as he lived to reap. Be this as it may; at the age of eighteen years he had matured his plan; and with the word "fail" stricken from his vocabulary, with his bridges burned behind him, he entered upon its execution.

It was his purpose to become a publisher,—to publish what he termed a "family paper" for the "every-day people;" a paper which should not be so much a *news-paper* as a compendium of developments in the arts and sciences, and a representative of the literature of the day, and at the same time, through the intimacy thus established, while imparting to them entertainment and information, to supply them with the thousand and one necessary and convenient articles of life which find ready market when brought to the attention of ready purchasers; in short, to resolve himself into a literary and trade bureau, and invite the people of the wide world to become his customers. In one year from that time he had found himself unable to handle his business at his country home, and had established himself in the city of Augusta. He was now employing a number of hands, though doing most of the editing of his paper himself. He also wrote and published quite a lengthy story, which gave him considerable distinction as a writer of fiction. He was capable of great and sustained effort, and he called into full play both his physical and mental powers. He toiled from early morning to the small hours of another day. His business grew with wondrous rapidity. He employed established printing houses in the city to do his presswork, and it is related that more than once his printers were astonished at the magnitude of his order, and queried among themselves what percentage of the charge he would find himself able to pay. But pay-day always found him ready, and no man ever presented a just bill to him the second time.

But he was not the man to depend upon others. He decided to do his own work. He quietly bargained for one of the best lots on the central business street of the city, and added to the astonishment of the citizens, who had watched his growth with ever-increasing wonder, by beginning the erection of a spacious brick building for the accommodation of his expanding business. In less than a twelve-month,—within four years from the time he left his quiet home, and ere yet he had reached the age of twenty-two years,—he had located in his new building, had equipped it with mammoth presses of most approved pattern, was employing more than five score of men and women, could reckon his accumulations by the hundreds of thousands, and was sending his publications wherever could be heard the music of his mother tongue. He was a phenomenon. Already in the publishing world he was known far and wide. His columns became eagerly sought by advertisers. He gave printer's ink a power hitherto unknown. And his perceptive mind was not slow to appreciate this power. It was then that he conceived the most gigantic advertising scheme, on his own behalf, ever undertaken by any individual. He proposed to an agency the advertising of his business in every newspaper published in America, for the term of one year. The proposition was almost appalling, and he a mere boy who was making it! But the contract was closed. It called for the payment, on his part, of \$120,000.\* It was faithfully carried out, and the reward was as substantial as in his most sanguine moments he had dared to picture.

He had inaugurated the scheme of supplying to his subscribers, as premiums, steel and lithographic productions of the finest specimens of the printer's art, and

\* The writer gives these figures on authority, which he regards as unquestionable. The contract cannot now be found.

he traveled far in search of, and expended vast sums to procure, the most beautiful and costly designs. These prints were exceedingly popular, and found place on the walls of thousands of homes all over the world. He controlled the output of a lithographing plant in the city of Boston, and was thereby enabled to give the work his personal direction. His travels frequently took him across the ocean, and he soon developed close business relations with strong houses in England, in Germany and in France.

He had made a success. Intrenched beyond peradventure, as he thought, he faced a future full of joyous hope. Great expectations were before him. Undeveloped plans invited him to renewed efforts, and he embarked upon new enterprises with all the vigor and confidence of his manly strength. But a storm swept across his sky. Mid-day brightness became swallowed up in the gloom of night. Across the path of this unchecked master of circumstances fate flung a shadow dark and terrible. The elements conspired to overthrow him. Conditions which he knew not of surrounded him. He was powerless to resist. The devastation was complete. The sunken road was there—and Waterloo? Never! Out from the smoking ruins of Boston's great holocaust he came, bearing only his unsinged integrity and the conquering powers of his matchless personality. Not swifter was the electric spark which bore the dread message to him across the sea than the determination of his course of action. Disappointed, but not disheartened—defeated, but not dismayed—he turned his back upon the shores upon which he had but that day landed and set his face toward the scene of his disaster. He came back to shattered fortune and blasted hopes.

This was the last great test of his business life. Here was the parting of the ways;—the easy road to repudiation and despair,—the rough and rugged way, through constant struggle and against tremendous odds, to the salvation of honor and the preservation of creditor rights. *He* saw but the *one* way, the way of toil and of honor. He pressed forward with all his old-time enthusiasm, augmented by his years of rich experience. He pricked the sides of his intent with the relentless spur of a high ambition. Napoleon-like, he *made* circumstances. Fate, once conquered, became his willing servant. Out of seeming defeat he snatched a glorious victory. He prospered even more abundantly than before. He had been tried by fire, and out of the glowing crucible he emerged, leaving all the dross behind. His inventive genius had led him into new fields, and his comprehensive mind had absorbed the details of a larger work. He added to his business the publication of standard works of biography, history and fiction. Already he had houses in Portland and Boston, and in Germany. But these were not sufficient. Opposite his Augusta office he reared another brick and granite building of spacious floor-room, and six stories in height, which, with its equipment of presses, added to his original plant, constituted the most complete printing establishment in New England. He installed also in his original building a complete electrotyping plant; then the only one east of Boston, and thenceforth guided and controlled every department of his vast enterprise. His publications reached the enormous issue of over a million copies monthly, to genuine, paid subscribers. His pay-roll called for the sum of \$100,000 per year. His expense for postage was of unheard-of proportions, once climbing as high as \$144,000 for a single year, and averaging \$8000 per month for many years. He mailed one thousand six hundred tons of matter per year. He brought Augusta from a very subordinate position in the postal world, to the fourth office, in second-class matter, in the United States. He received, on an average, more than two thousand letters per day,—one day twelve thousand. His receipts were more than a million dollars per year.



Of course a man of Mr. Allen's recognized strength could not be confined within the limits of his special business. Other large interests sought the benefit of his wisdom and strength. His acquaintance with the paper business, brought about by his enormous purchases, led him to associate himself with others in the manufacture of paper and wood pulp, even before the latter industry had found a footing within the borders of Maine.

Home interests claimed his attention too, and he became prominently identified with Augusta business institutions. He was first president of the Board of Trade, and of the Loan and Building Association, was a director in one of the national banks and in the Cushnoc Fibre Company, and a director and largest owner in the Kennebec and Boston Steamboat Company. He was recognized as one of the strongest factors in the commercial life of the city, and held a warm place in the affections of all her people.

In the summer of 1891, accompanied by his younger sister and mother, then in the seventy-ninth year of her age, he took his second pleasure trip across the ocean, planning, after having returned to his home for a brief stay, to spend the winter in the Old World centres of literature and art. Ocean trips had been of so frequent occurrence, with him, that neither he nor his friends regarded this one with special concern. And yet it proved his last. His leave-taking of friends and home was his everlasting farewell, until home and friends should pass beyond the reach of time and change. He landed in New York, on his return, suffering, as he thought, from an attack from his old enemy, tonsillitis. Thinking he could master it this time, as he had so often done before, he pressed homeward. By the time he had reached Boston, acute pneumonia had developed, and he was unable to proceed farther. It was not like him to complain: he could not allow his friends to bear an unnecessary burden. "I shall soon be through the fight," he said, "and it will be better for me to tell them after the battle is won." He prophesied all too well. But a few hours later he heard the final summons, and, into the ear of his faithful nurse and constant physician he breathed his last farewell. Sheltered by the protecting mantle of night, with only the lamp of an abiding faith as his guide, he slipped from his moorings, sped over the bar and laid his course across the trackless ocean to the Port beyond the stars. His voyage and that Haven were as real to him as those others with which he had become familiar, and he embarked upon this journey with the same resolute purpose, the same dignified calm, the same supreme confidence in the righteousness of the ultimate outcome of all things, which he had so constantly exemplified through all the vicissitudes of his eventful life. He had never faltered in lesser things, and he met the supreme test without hesitation and without fear.

The little church in Augusta could scarce hold his sorrowing employees and the representatives of the various business and social organizations, who sat by his stricken family to hear the formal good-byes from lips that loved to do him honor. Outside, the city assembled *en masse*. From all the surrounding towns, and from remote sections of the country, the people came to do him reverence. The like was never before seen in this quiet New England city. It was a tribute of respect and of love for which he would have considered no service too great a sacrifice.

In the little white city on the hill-side, overlooking the centre of his struggles and his conquests, there stands a typical granite monolith—massive, dignified, imposing—bearing the simple inscription, "E. C. ALLEN," and the tiny head-stone by its side records the date of his birth, June 12, 1849, and of his death, July 28, 1891.

Such in brief is the story of his life; the oft-told story of the struggles which *must* come, of the disappointments which *will* come, and the triumphs which *may* come, to every son of this free republic.

It needs not an extended and critical study of Mr. Allen's character to discover many very marked characteristics. He might be properly termed an impetuous man and yet never an impulsive one. He took no position, he embarked upon no enterprise, until it had stood the test of the most careful and exhaustive scrutiny; but once accepted, his course of action finally determined, he supported his judgment by a might of energy, and a force of will, which overran obstacles and swept opposition into hopeless and helpless confusion. His overflowing measure of success never led him to a violation of the principles of true democracy, of which he was always a conspicuous example. In his home life and in his walk among men, he practiced the most dignified simplicity. Demonstrative neither in the display of his possessions, nor in the avoidance of such display, he lived the plain, unostentatious life which was the logical outgrowth of a character in which there was no room for pretense, no home for fraud. He never outgrew the "common people:" never failed to recognize the inter-dependence of all classes. His employees held him in great personal esteem, and he felt a reciprocal interest in their welfare which was *often* evinced in special cases of need, and *always* in the steady maintenance of wages, in spite of competition and throughout depression. He was more than liberal in this direction, and was sometimes mildly criticised because of his "prodigality;" but he made no change. It is said of him that he never reduced the wages of a single employee. With him, constancy was a positive virtue. Vacillation, hesitancy, uncertainty, entered not into his composition. He fully appreciated the value of stability, security, confidence, in all business relations; and with, and in, all men with whom he came in contact—from the most experienced men of affairs to the most humble person in his employ—he cultivated and inspired those feelings. He was an exceedingly courteous man, and yet, while absolutely devoid of all show of superiority over his less fortunate fellows, severe in his denunciation of that form of hypocrisy which finds expression in the fawning, time-serving, heartless man-of-the-period, who "carries his heart on his sleeve" and bears the questionable reputation of being a "good fellow," wherever he may go; who makes no friction because he cares for no principle—makes no struggle because he has no convictions. There was ever about him a reserve, a quiet, manly dignity, which permitted no coarseness, suggested no triviality, and sent vulgarity limping into the shades of shame. He respected true worth, wherever he found it, and he knew it almost by intuition. He treated all men with consideration, but not every man as his friend. Friendship with him had a deep meaning. He seemed to have said to himself, "The friends thou hast, and their adoption tried, grapple them to thy soul with hooks of steel; but do not dull thy palm with entertainment of each new-hatched, unfledged, comrade." It was to such as found welcome within the circle of this friendship that his true character became fully revealed. Then in the generous warmth of his great heart, in the expansive scope of his virile mind, in his unswerving fidelity to truth and right, and his passionate hatred of all that was wrong, he shone as the friend whose loyalty never wavered, the student whose lamp was ever burning, the man whose honor bore no stain.

He was, generally speaking, a man of few words, and yet a delightful companion and pleasing conversationalist. As would be inferred, he was not an argumentative man; he never sought a quarrel, yet never *feared* one; he was earnest in his convictions, and yet not prone to force them upon others; but, pressed to substantiate his position, he brought into service a fund of information and a discriminating judgment, which won the respect of an opponent, and proved him a foeman worthy of the truest steel.

He never occupied public office, save in one instance. He lived in a period when political lines were sharply drawn, and, unfortunately for the city and state, he belonged to the minority party. When, in the last years of his life, his party was in the ascendancy in the nation, he had no ambition for political honors, and no time which he felt he could devote to the public service. Of the commission for the enlargement of the state house he was a most valuable member, bringing to the execution of its duties the judgment, fidelity and zeal which characterized his every work.

Mr. Allen never married. To his widowed mother and two sisters he pledged and gave his all. His mother clung to the little country homestead, while the sisters spent the years in study and travel, until such time as conditions and circumstances permitted, and then he gathered them to him, in the fulfillment of his fondest hope. Peace, prosperity and the comforts of home! Home in the city which he loved and strove for, among the people who loved and trusted him!

In the hearts which he inspired with courage, in the homes which he filled with comfort, in the record of his honest industry and manly virtues, he lives and labors still; and still *will* live, till the memory of man shall cease its function and the door of the past be forever closed.

### LLEWELLYN W. LITHGOW.

**R**OBERT LITHGOW, a Scotchman by descent, was living in Ireland in the early part of the seventeenth century, whither his ancestors had fled during the rebellion. He came to Halifax, Nova Scotia, and thence to Boston, bringing with him his wife and a son, William. He was a passenger in one of Sir Robert Temple's chartered ships, which brought to New England many Scotch and Irish colonists from the north of Ireland, between the years 1718 and 1722. A large company of these emigrants attempted a settlement on the Kennebec river, in the vicinity of Merry Meeting Bay, on lands of Sir Robert Temple and others. The Indian war of 1722-1724 dispersed the colonists, the most of them fleeing from Maine, to find more tranquil homes in the wilderness of New Hampshire, Massachusetts and Pennsylvania. Some, however, after the close of the war, returned to the Kennebec and there permanently established their homes. Among these were Robert Lithgow and his neighbor and fellow-settler, Arthur Noble, the earliest known ancestors of Llewellyn W. Lithgow. It is supposed that Arthur Noble and his wife Sarah were passengers also (with the Lithgows) in one of Sir Robert Temple's ships, and that there were social relations and friendships between the two families.

Only a few facts beyond those above recited have been preserved concerning Robert Lithgow. He was a hardy pioneer, settled on the ancient Sagadahoc, and with his good wife, whose name we do not find in any record, had the happiness to be blessed with a son, William, who was destined to become conspicuous in the annals of the Kennebec, and who presumably exhibited in his honorable career, the wholesome precepts and example of his worthy parents.

William Lithgow, grandfather of the subject of this sketch, was born either in Scotland or at the North of Ireland, in 1815, and as a child accompanied his parents in their quest for a home in the New World. His boyhood appears to have been passed partly in Boston, but principally on what was then the frontier of civilization, on the lower Kennebec and Androscoggin. He was often brought in contact with the Indians and became versed in their language by trading with them, and by commanding forts, first at Fort St. George (Thomaston), in 1734, and then at Richmond Fort





*J. W. Lithgow*



in 1748, and finally at Fort Halifax (now Winslow). He informs us in 1767 that he had been familiarly connected with the Indians "for thirty years past." When the province of Massachusetts, in 1754, erected Fort Halifax, Colonel Lithgow was commissioned by Governor Shirley to command it. He remained at that post until the dawn of peace,—which came through the capture of Quebec, by General Wolfe, in 1759. On the organization of Lincoln county, in 1760, he was appointed a judge of the Court of Common Pleas, and in 1775 he was commissioned a judge of the same court under the Revolutionary government.

Col. William Lithgow married Sarah, only daughter of Lieutenant-Colonel Arthur Noble, who with his regiment participated in the brilliant capture of Louisburg under Sir Wm. Pepperrell in 1745, and who met a tragic death at Minas in Nova Scotia February 11 (new style), 1747, at the hands of a party of French and Indian rangers.

Sarah Noble Lithgow inherited the estate of her father at Pleasant Cove in the town of Phippsburg, a few miles below the city of Bath, and that farm, improved and beautified by the tenancy of Judge Lithgow and his family, after his retirement from Fort Halifax, became the famous Lithgow Homestead, the Manor-house of Sagadahoc—the abode of comfort, gentility and colonial elegance and where the wayfarer high or low never missed of kindly welcome and good cheer. Mark Langdon Hill, a distinguished fellow townsman of Judge Lithgow, writing a generation later, says, "He possessed a fine natural disposition, facetious and pleasant manners and was exceedingly hospitable in his house to rich and poor, and this was characteristic of all his family, who were remarkable for their genial and elegant deportment." Judge Lithgow died December 20, 1798. His widow survived him until November 11, 1807. Their family numbered ten children, the most of whom lived to adult age. The burial place of Colonel Lithgow and his wife and some of their children was on the old homestead of Pleasant Cove, where the memorial stones are now the only visible vestiges remaining of the once notable occupancy of the farm by the Lithgow family. The heirlooms now in the Lithgow family, consisting of silver-ware, china and furniture, are of such a description as indicate that he occupied a high social position and enjoyed a luxurious home.

James Noble Lithgow, son of William, was born at Phippsburg, then a part of Georgetown, Maine, October 10, 1763, and settled in Dresden, Maine, where he died December 20, 1819. He married Ann, daughter of John Gardiner and granddaughter of Dr. Sylvester Gardiner, one of the landed proprietors on the Kennebec and the founder of the city of Gardiner, Maine. John Gardiner was born in Boston in 1731 and studied law at the Inner Temple, London, and in June, 1761, was admitted to practice as barrister in Westminster Hall. He was appointed attorney general at the Island of St. Christopher, and after the Revolution came to Boston and by a special law passed February 13, 1784, was recognized as an American citizen. In 1785 he became a barrister in Boston, and afterwards removed to Pownalboro (now Dresden), Maine. He received a degree of Master of Arts from the University of Glasgow in 1755, and from Harvard in 1791. He married Margaret Harries, of Haverford, Wales, and was drowned off Cape Ann October 15, 1793. He was a brother of Dr. Gardiner, a rector of Trinity church, Boston.

Arthur Lithgow, a brother of James Noble Lithgow, married Martha, daughter of Edmund Bridge, and removed to Charlestown, Mass. Caroline, one of his daughters, married Richard Devens, and Mary, another daughter, married Charles Devens, the father of the late Judge Charles Devens, of Boston.

William Lithgow, another brother of James Noble Lithgow, married Hettie



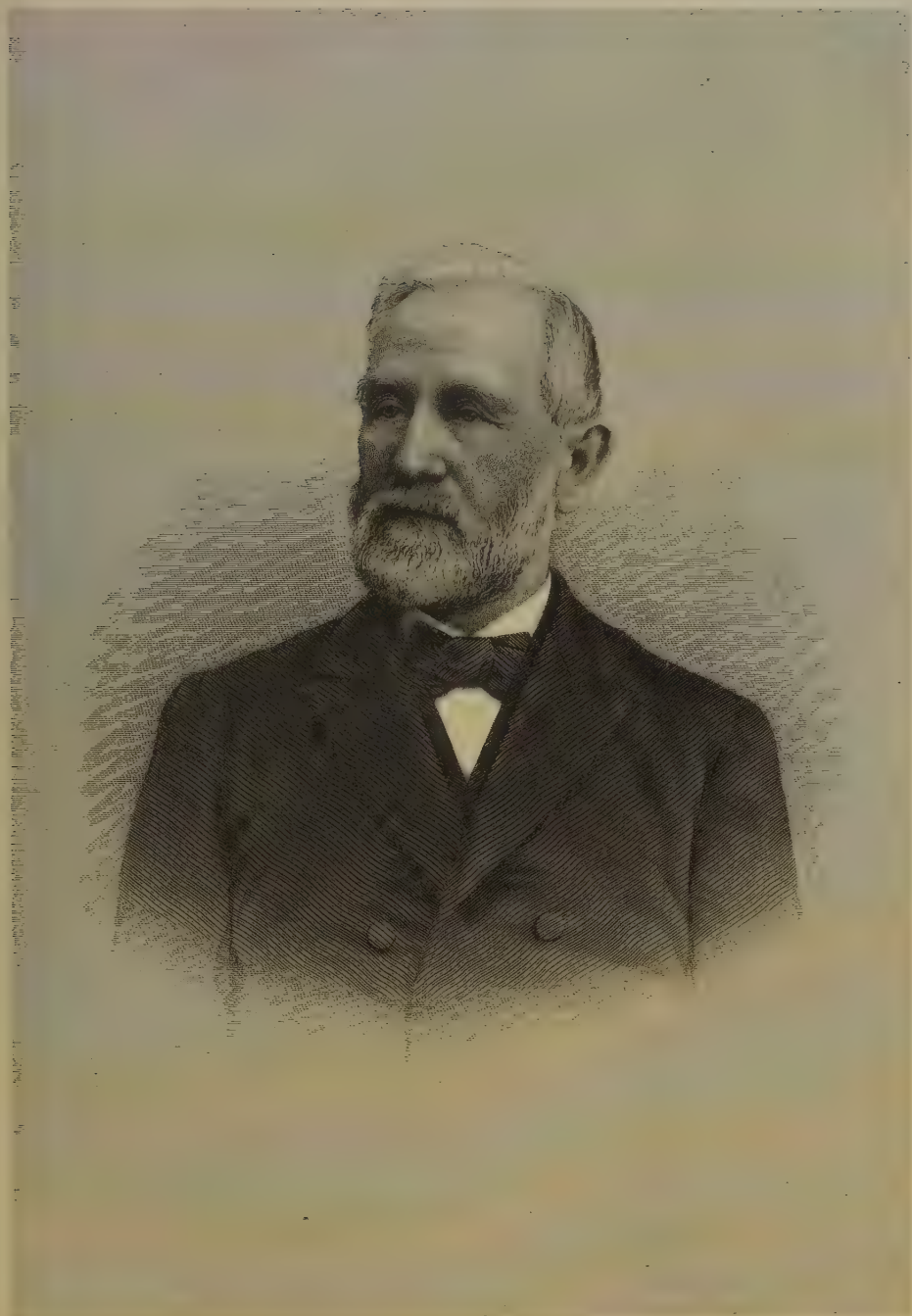
Langdon ; and his daughter Phebe was the wife of the late Tolman Willey, a prominent member of the Boston bar.

Llewellyn William Lithgow, the subject of this sketch, was the son of James Noble and Ann (Gardiner) Lithgow. He was born in Dresden, Me., December 25, 1796, and, after attending the public schools, entered upon a commercial life. He was largely engaged in navigation and trade, by the successful operations in which his by no means small patrimony was largely increased. With the acquirement of an estate more than sufficient to gratify his wants, he abandoned business in 1839, and removed to Augusta. From that time until his death, though his life was marked by no striking incidents, such as are related of men holding public office, his influence for good was constantly exerted in behalf of his adopted home, and few men in its annals have left more enduring monuments to their generosity and usefulness. It is next to impossible to record the acts of a thoroughly Christian man. The nobler and more unselfish they are, the more they elude the eyes of the world. They fall like the gentle dew on the parched earth, and only the needy and suffering realize their beneficence.

The moral and educational welfare of the community in which he lived was ever close to his heart, and his constant contributions to its advancement would have been more in accord with his modest spirit had it been possible to make them unseen by the world. But this could not be, and the association of his name with the public library of Augusta proclaims him its most prominent benefactor. In 1873 the Augusta Literary and Library Association was chartered, and a subscription of \$50 each from fifty interested citizens enabled the trustees to form a library of about three thousand volumes. On the 22d of June, 1881, Mr. Lithgow died, and by his will gave \$20,000 to the association, and made the city a residuary legatee in behalf of the library. From the residuary fund \$15,000 have been realized, and it is expected that future sales of lands belonging to the estate will furnish a few thousand more. With the money thus realized from Mr. Lithgow's bequest a granite building has been erected, designed by Joseph L. Neal, of Pittsburg, Pa., which, for beauty and convenience, is surpassed by no library building, except the Boston Library Building, within the knowledge of the writer of this sketch. In 1882 the name of the library was changed to the "Lithgow Library and Reading Room," and it now (1896) contains about eight thousand volumes.

Mr. Lithgow was a gentleman of the old school ; to urbane manners and a genial disposition, he united a broad, public spirit and great probity of character, qualities which won for him universal confidence and respect. He was an active member of Christ Church (Unitarian) of Augusta, and cherished the firm conviction that he was to enter upon a higher and more glorious stage of existence at the close of the present.

Mr. Lithgow married first, May, 30, 1825, Mary, daughter of Thomas Bowman, of Augusta ; and second, June 3, 1869, Paulina P., daughter of Elisha and Maria (Palmer) Child of the same city. His widow is living in Augusta, in the home long dear to her husband, and abounding in evidences of the aristocratic atmosphere in which the families of her husband and herself had their being. Mr. Lithgow died suddenly on Wednesday, June 22, 1881. The burial was at Dresden, his native town, and among his kindred. Thus passed from amongst us one of Augusta's most esteemed and distinguished citizens.



Wm. L. Smith





## WILLIAM ROBINSON SMITH.

**M**R. SMITH was for more than sixty years identified with the business interests of Augusta, Me. In the last years of his life, none of its citizens of that place had so clear a recollection of the various incidents in its recent history, its changes in population and business, its first connection by rail with Boston and Portland, the navigation of the Kennebec to its piers, and the gradual development of its enterprise connected with ice and lumber, which have grown to proportions little expected at the time of his advent on the stage.

Dudley Smith, the father of the subject of this sketch, was a native of Sanborn-ton, N. H., and removed early in the present century to Wiscasset, Me. He married Mary Robinson, of Sanborn-ton, and died in that town. His son, William Robinson Smith, was born in Wiscasset February 24, 1813. His opportunities for acquiring an education were not even such as the district schools were able to furnish. The family resources were not only insufficient for the luxury of a common-school education, but their replenishment required the aid of even the youngest children of the household. At the age of eight years and a half he entered the printing office of John Dorr, the publisher of the *Lincoln Intelligencer*, and, while learning something of the art of printing, doubtless performed those duties which fall to the lot of the commonly-called "printer's devil." He remained with Mr. Dorr ten years, having acquired, long before the expiration of that time, a thorough knowledge of his trade, and been many years a valuable assistant in the office. It is by no means a common occurrence for a boy to remain so long in the employ of his first master, and that he should have done so speaks as well for the consideration and kindness of his master, as for the industry and fidelity of himself.

In 1833 Mr. Smith entered the office of Ira Berry & Co., the publishers of the *Augusta Age*, and in 1835 formed a partnership with George Robinson, and bought out the proprietors of that journal. He had, as it may be supposed, at this time acquired a small capital, as the reward of his ambition and persistent work. In 1840 Mr. Robinson died, and was succeeded in the firm by George M. Weston. His connection with Mr. Weston and the *Age* continued until 1844, when the property was sold. Mr. Smith was a Democrat, and his journal was the organ of the Democratic party at the capital of the state. He was an editor outspoken and bold in advocacy of the measures of his party and in denunciation of those of his opponents, but throughout his editorial career he was respected by men of all shades of political opinion and on friendly terms with both friend and foe.

In 1844 Mr. Smith engaged in mercantile and shipping business, and so continued until 1850. The deficiencies in his early education had been long before made up during his career at the form and the desk, a career which is as well calculated to inspire thought, broaden the mind and open the fountains of knowledge as the school or college. The history of the printing-press contains between its lines a history of self-made men who have risen to the highest position in the political world.

In 1850 Mr. Smith was appointed by Governor John W. Dana register of probate for Kennebec county, and held that office four years. In the same year, as the result of his own efforts, the State Bank of Augusta was chartered, and he was made cashier. The bank continued in a career of prosperity until the state bank system was practically abolished by the National Banking Law in 1864, in which year it was decided

to wind up its affairs. In that year the First National Bank of Augusta was chartered, and he was appointed cashier of that institution, resigning his position in 1868 in opposition to the expressed wishes of the board of directors.

At an earlier date than that of the connection of Mr. Smith with the above banks, the Augusta Savings Bank, of which he was one of the corporators, was organized in 1848. In 1857 he was appointed treasurer of that institution, at which time its deposits were \$71,000. He continued as treasurer, and practically the manager of the bank, until his resignation, in 1893, at which time the deposits had swollen to \$4,300,000. The manifest inexpediency of having the management of a stock and a savings bank in the same hands, and the increasing labors and responsibilities of the position of treasurer doubtless induced his resignation as cashier. While the executive ability of Mr. Smith was fully appreciated by the board of trustees, his kindly word and uniformly courteous deportment in his association with depositors, served to make the institution a popular one and to largely promote its success.

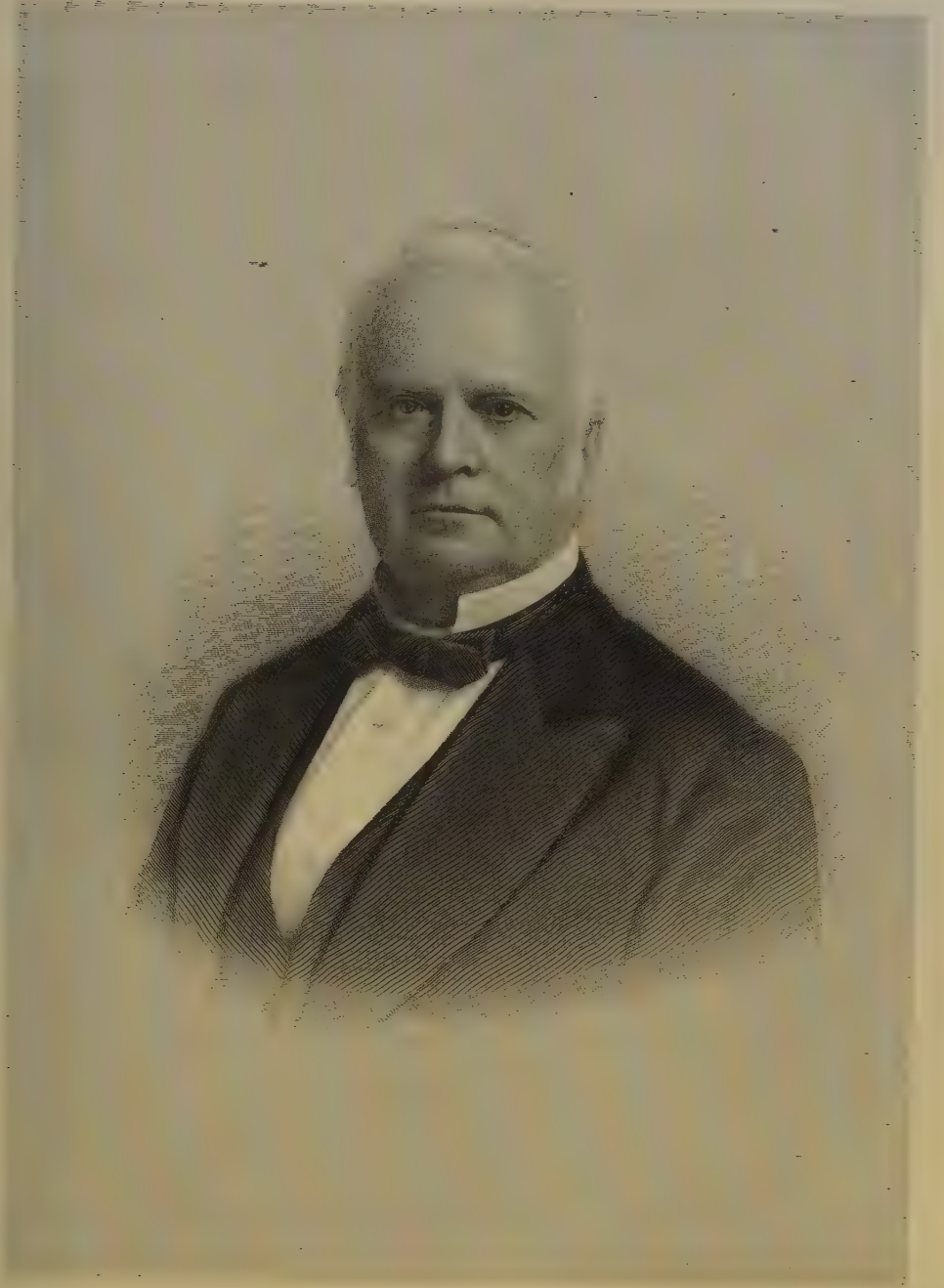
But the interests of Mr. Smith were by no means confined to those of banking and money. The cause of education early attracted his attention, perhaps all the more because he had been compelled to supply the want of his own by diligent and unceasing study in the years of his manhood. As early as 1835, at the age of twenty-two, he was active in the organization of a village school district in Augusta, and served ten years as its clerk. In 1851 he was made a trustee of the Cony Female Academy, and served until his death. In his religious affiliations he was a Universalist, and was active and liberal in the support of the church, to which he was attached. In his social relations he entered the organization of Odd Fellows in 1843, and became Grand Master of the state, and served as the representative of the Grand Lodge to the Grand Lodge of the United States ten years. He was also, for twenty-five years, treasurer of the Forest Grove Cemetery, and several years treasurer of the Lithgow Public Library and the Harvard Benevolent Union.

Mr. Smith married, December 22, 1842, Sarah B. Cochrane, of Bangor, and had four children, one of whom died in infancy. The other children were: William Frederick, born January 24, 1844, who married Catherine Burns, of Portland, and is now the cashier of the American Express Company in Portland; George R., born November 16, 1845, and now an officer in the Augusta Savings Bank; and Helen A., born May 4, 1857, who married Josiah E. Daniell, of Newton, Mass., and died in 1887.

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### JOHN ANDREW PETERS.

**C**HIEF JUSTICE PETERS is the son of Andrew and Sally (Jordan) Peters, and was born in Ellsworth, Me., October 9, 1822. He was educated in the public schools and at Gorham Academy, and graduated at Yale University in 1842. He studied law at the Dane Law School of Harvard University under Joseph Story and Simon Greenleaf, and in the office of Hon. Thos. Robinson, of Ellsworth, and was admitted to the Hancock County bar at Ellsworth, in August, 1844. For thirty years he devoted himself to the practice of law, and on both the civil and criminal sides of the court he soon won a high position. In the possession of those traits, common sense, tact, and a judicial cast of mind, superadded to a profound knowledge of law, he could not fail of success in his professional career. In the trial of causes, he neither on the one hand bestowed too much time and labor in endeavoring to weaken the strong points of his opponent's case, nor did he forget



*J. A. Peters.*







Wm H McMillin





the weak points in his own. His object was to pierce the weak spots in his adversary's armor, and to protect the weak spots of his own from successful attack.

Though having no decided taste for political life, the temptation, which always besets a lawyer of commanding ability and popular traits of character, was such as he could not long resist. It is certain that, in yielding to it, it was only in obedience to the demands of his fellow-citizens. In 1862 and 1863 he was a member of the State Senate, and in 1864 a member of the State House of Representatives. Thus during the larger part of the period of the war, he was in the service of the state, and his good judgment and ability were influential in its counsels. In 1864, 1865 and 1866, he was attorney-general of Maine, and in that field of professional service, he had opportunities for extending to the boundaries of the state a reputation, which had long been established in the neighborhood of his home.

Having been many years practicing law in Bangor, he was better known and especially appreciated in Penobscot and Piscataquis and Aroostook counties, in whose courts he had won many a victory, and in 1866 he was chosen to represent the fourth district of Maine, composed of those counties, in the Fortieth Congress. In 1868 and 1870 he was re-chosen a member of the Forty-first and Forty-second Congresses, serving a larger part of the time on the Committee on the Judiciary. His third term of service in Congress expired in 1873, and in May, 1873, he was appointed by Gov. Sidney Perham an associate justice of the Maine Supreme Judicial Court. No man could have been appointed better qualified. His serene temperament lending grace and dignity to a mind not only stored with legal lore, but trained to weigh with care every argument bearing on a case, and to look at it from every point of view, eminently fitted him for the bench. Having in May, 1880, completed the constitutional judicial term of seven years, he was re-appointed for another term by Governor Davis. On the 29th of August, 1883, he was appointed by Governor Robie chief justice of the court, in which he had served ten years as an associate. He is still on the bench, and, at the age of seventy-four, bears the burdens of office with the same ability and equanimity which have characterized him throughout his career. In 1884 he received the degree of Doctor of Laws from Colby University, and the same degree from Bowdoin College in 1885, and the same degree from Yale University, his *alma mater*, in 1893.

Judge Peters married September 2, 1846, Mary Ann, daughter of Hon. Joshua W. Hathaway, of Bangor, who died in 1847. He married second September 23, 1857, Fannie E., daughter of Hon. Amos M. Roberts, of Bangor.



### WILLIAM HENRY McCRILLIS.

THE family, to which the subject of this sketch belonged, was originally Scotch, bearing the name of Maccrellish, and formed a part of that extensive emigration to Ireland in the early part of the seventeenth century, which was the beginning of the class, known as Scotch-Irish. In the early part of the eighteenth century, four brothers, William, Henry, Daniel and John McCrillis, came from the North of Ireland to New England, and settled respectively in Gilmanton and Nottingham, New Hampshire, Lebanon in the district of Maine, and Coleraine in Massachusetts. Henry McCrillis had a son, John, who married Margaret Harvey, and lived in Epsom, N. H. Henry McCrillis, son of John, born in Epsom, removed to Sandwich, N. H., in 1780, with two children. He was a farmer, and, having had ten other children, born in Sandwich by a wife, whose maiden name was McGaffy, died

at the age of fifty-six. John McCrillis, son of Henry, was a physician of some note in Wakefield, N. H. He at one time took up a temporary residence in Georgetown, Me., but returned to Wakefield, and there died at the age of eighty-three.

William Henry McCrillis, son of John and Abigail Kimball McCrillis, was born in Georgetown, Me., November 4, 1814. He attended school in Wakefield, Rochester and Wolfboro, N. H., and spent one year at Phillips Exeter Academy. He studied law with John Adams Burleigh, of Great Falls, and with Appleton & Allen, of Bangor, one of the leading law firms of Bangor at that time. No better preparatory school for a student at law could have been found than the office of the latter gentlemen. Both had received the best professional education, and both became eminent; one as the chief justice of Maine, the other as chancellor and chief justice of the Hawaiian Islands.

Under the guidance of such men Mr. McCrillis was prepared for his legal career, and in August, 1835, he was admitted to the bar at a term of the Court of Common Pleas in Augusta, Me., on motion of George Evans, at that time the acknowledged leader of the Maine bar. At the time of his admission he was three months less than twenty-one years of age, but Ezekiel Whitman, then chief justice of the court, who was presiding at the term, made a special exception in his case to the rule at that time prevailing, which restricted the age of applicants for admission. His application for admission at Augusta was due to the fact that the Bangor term of the court would not be held for several months, and, young as he was, he was in haste to begin his active professional career. He began practice in Bangor in 1835, associated with S. H. Blake, under the firm-name of Blake & McCrillis. His natural abilities, cultivated by a thorough legal instruction, soon placed him in a prominent position at the Penobscot bar. So marked was his success that in 1838 he was appointed by Governor Kent county attorney, and performed the duties of that office as long as the Whig party, of which he was an active member, remained in power. In the same year he served as a member of the state legislature, and took an active part in the discussions of the House. In 1839 the memorable Aroostook war occurred, a war only in name, occasioned by the belief that parties of Canadians were upheld by a British military force in cutting and removing timber from lands, claimed by the state of Maine, in Aroostook county. Gen. Isaac Hodsdon was ordered by Governor Fairfield, in February of that year, to take a thousand troops of his division and march to Aroostook to resist the depredators, and Mr. McCrillis was his adjutant. It was found, on the arrival of the troops at Fort Fairfield, that there was no British force in the field, and, in April, 1835, the expedition returned.

His practice, after the above military episode, was unbroken by service of a public character, except in 1859 and 1860, when he again served the city of Bangor as one of its representatives in the Legislature. He was also in 1860 a delegate at large from the State of Maine to the National Republican Convention held in Chicago, which nominated Abraham Lincoln for President, and in 1864 was defeated by John H. Rice in the Convention of the Penobscot District to nominate a member of Congress. Though always afterwards taking a deep interest in public affairs, he ceased to participate in party management and devoted himself exclusively to his practice and to the business enterprises in which he had become engaged. Though a delegate to the National Republican Convention in 1860, he finally with many other Whigs, at the dissolution of their party organization, joined the ranks of the Democracy, and ever afterwards acted and voted with them. He was inclined to a strict construction of the Constitution, and, though not admitting the right of secession, believed that a reasonable observance of state rights would serve as a balance

wheel to preserve the integrity of the country and rescue it from the danger of breaking, in consequence of too much weight and strength at its centre and too little at its constantly enlarging circumference. He was, however, during the war an ever-loyal citizen, and was as earnest in his efforts to restrict the states-rights doctrine to conservative limits, as to extend it to the point where it would give vigor and life to the nation.

As early as 1839, while serving on the staff of General Hodsdon in the expedition to Fort Fairfield, he was impressed with the vastness of the timber lands of Aroostook county, and their immense prospective value. At that time Aroostook county was too distant from the seaports of Maine to add much to their revenue and business. There were no railroads or canals running to the seaboard and the county was drained by the Woolastook, Allagash, Aroostook, and other smaller rivers, all of which were tributaries of the St. John river, which had its outlet in British territory at St. John, on the Bay of Funday. St. John was the shipping port of the lumber and produce of the whole country.

Not many years after the Fort Fairfield expedition Mr. McCrillis began to invest in Aroostook lands. His first adventures were not successful. The time had not come when, as now, since the construction of the Bangor and Aroostook Railroad, logs could be loaded on the cars, after a short carriage by team, and sent to the mills in Bangor and other places convenient for shipping. He participated also in the enterprise of constructing a large saw-mill at Sherbrooke, in Canada, and sending sawed lumber to Portland, Maine. His first disappointments, however, did not deter him from a continued prosecution of the business in which he had made a beginning. He had paid heavily for experience, and he was not the kind of man to throw away the lessons which he had learned at so much cost. It is enough to say that fortune finally rewarded his persistence, and that at his death he was the owner of a half a million acres of timber lands, and one of the largest land-owners in the state.

But, notwithstanding the success of his business enterprises, it was as a lawyer enjoying a large and lucrative practice that Mr. McCrillis won his reputation, and made his mark. On both sides of the court, the civil and criminal, he fought his way at a bar distinguished for its ability, until he found a permanent place in its front rank. Thorough preparation, without which no lawyer can succeed, an obstinate persistence in the conduct of his cases, a well-grounded knowledge of legal principles and precedents and infinite tact and wisdom in his jury addresses made him what lawyers denominate a verdict-getter and a well-armed match for any who might wrestle with him in the legal arena.

Mr. McCrillis died at his home in Bangor, May 3, 1889. At the next term of the Supreme Judicial Court, a meeting of the Penobscot bar was held, at which resolutions were passed, paying appreciative tributes to his memory. The resolutions were offered by Albert Ware Paine, the oldest member of the Penobscot bar, and were supported by Ex-Chief Justice John Appleton, Judge Emery, Ex-Vice President Hannibal Hamlin and Peregrine White. Chief Justice Peters, the presiding judge, responded to the resolutions and ordered them placed on file. The chief justice, in reviewing the legal career of Mr. McCrillis, pointed out those traits of character which had chiefly distinguished him, and referred to him as a model for young men to follow in the practice of the profession of law.

A sister of Mr. McCrillis, Harriet S. Griswold, the widow of Rev. R. W. Griswold, inherited his estate, and is now a resident of Bangor, the dispenser of a generous hospitality to all friends of her brother and of herself.



## ISAIAH KIDDER STETSON.

**M**R. STETSON, a merchant in Bangor, Me., carries in his veins the blood of Old Colony Pilgrim stock. He is descended from Robert Stetson, who came to New England in 1634, with Rev. John Lothrop, and settled in Scituate, Mass., where Mr. Lothrop became in that year the pastor of the first church. Most of the Scituate settlers at that time were Kentish men, and it is presumed that Robert Stetson was one of those who originated in Kent county. He was cornet of the first Horse Company raised in the Plymouth colony in 1659, and is called in the records Cornet Stetson. He was a member of the Council of War twenty years, and a member of the General Court, and died February 1, 1702, at the age of ninety years. His children were Joseph, Benjamin, Thomas, Samuel, Eunice and Robert, who were living at his death, and John, who died before him. Joseph Stetson, the oldest son of Robert, was born in Scituate, Mass., in 1639, and died in that town about 1723, at eighty-four years of age. Robert Stetson, son of Joseph, was born in Scituate, December 9, 1670, and married Mary Collamore, of that town. Amos Stetson, son of Robert, was born in Scituate, June 18, 1703, and removed to Braintree, Mass., where he married, May 9, 1727, Margaret, daughter of Benjamin T. Thayer, of that town. He died in 1777, having had eleven children. John Stetson, son of Amos, was born October 27, 1731, in that part of Braintree, which was incorporated March 9, 1793, as the town of Randolph, and married Rachel, daughter of Samuel Paine, of that town, and died in Randolph, January 30, 1811. Simeon Stetson, son of John, was born in Braintree, October 26, 1770, and when a boy went to live with Thomas Penniman, a farmer in Washington, N. H. In 1803 he removed to Stetson, Me., a town which received its name from his brother Amasa, and later removed to Hampden, Me. He married, January 25, 1796, Betsey, daughter of Thomas Penniman, of Washington, N. H., and died in Hampden December 20, 1836. He was a man of marked prominence, serving as chairman of the Board of Selectmen and town clerk of Hampden more than twenty years, as a representative to the General Court, a member of the convention to frame the Constitution of Maine, and a member of the Executive Council. George Stetson, son of Simeon, was born in Hampden, January 25, 1807, and married November 13, 1845, Adeline, daughter of Hon. Elijah L. Hamlin, of Bangor. He removed to Bangor in 1834, and for many years was engaged in business. In 1858 he was chosen president of the Market Bank, which was organized in 1863, as the First National Bank of Bangor, and remained in office until his death. He was a Representative in 1862 and 1863, president of the Union Insurance Company, and of the Bangor Mutual Fire Insurance Company, president of the Mount Hope Cemetery Corporation, and chairman of the Board of Commissioners appointed by the Legislature in 1875 to build the Bangor water-works. He died in Bangor June 15, 1891.

Isaiah Kidder Stetson, the subject of this sketch, was the son of George and Adeline (Hamlin) Stetson, and was born in Bangor, April 3, 1858. His mother is the daughter of the late Hon. Elijah L. Hamlin, a brother of Hon. Hannibal Hamlin. He received his early education at the Bangor High School and at Phillips Andover Academy, and graduated from the scientific department of Yale College in 1879. After leaving college he spent two years in the office of his father, familiarizing himself with the methods and processes of business, and, in 1881, formed a partnership with his brother, Edward, under the firm-name of E. and I. K. Stetson, which has



Isaiah K. Stilson







John B. Foster



continued to the present time. They are the owners of a ship-yard, marine railway, a steam saw-mill and extensive ice plants. Vessels of sizes, ranging from small fore and aft schooners to ships of a thousand tons, have been built in their yard, and fifty or more vessels are annually hauled out on their ways. Their ice product is about sixty thousand tons per year, and their annual operations in lumber cover about six millions of feet. The opening of the Bangor and Aroostook Railroad, extending into the heart of the lumber district of Aroostook county, promises a large increase of their business, as Bangor becomes, what it is destined to be under the influences of that road, the great lumber-shipping port of New England.

Mr. Stetson exhibits in the management of his business traits of character doing full justice to his college education and to the subsequent training, which he went through under the eye and counsel of his father, and is recognized by his fellow-citizens as one of the factors in the present prosperity of his native city, and of its promised development and increase of population and wealth. He is a director in the First National Bank of Bangor and of the Union Insurance Company, of both of which institutions his father was many years president. He is treasurer of the Aroostook Construction Company, the contractors for the construction of the Bangor and Aroostook Railroad, and treasurer of both the State College at Orono and the Hampden Academy. In his social relations he is a member of the executive committee of the Tarratine Club, the prominent social club of Bangor, a member of the Boston Whist Club and the University Club of Boston, and a member of the Ancient and Honorable Artillery Company of Boston.

In religious affiliations Mr. Stetson is connected with the Unitarian Society of Bangor, and is a member of its standing committee. His father, who was a Unitarian before him, believed that "the cultivation of our best qualities is the true worship of divinity," and in this spirit the son endeavors to shape the course of his life.

In the field of politics Mr. Stetson is also a follower of his father, and like him, is an active and efficient supporter of the principles of the Republican Party. In 1892 he was chosen president of the Republican Club of Bangor, and in 1893 was appointed aid-de-camp, with the rank of lieutenant-colonel, on the staff of Hon. Henry B. Cleaves, then governor of Maine. In 1895 he was appointed by Governor Cleaves a member of the commission to revise the ward lines in the city of Waterville. He is now chairman of the Republican City Committee, and a member of the executive committee of the Republican Club of Eastern Maine, recently formed in Bangor.

Mr. Stetson married, November 30, 1882, Clara C., daughter of Hon. Frederic A. Sawyer, ex-United States Senator of South Carolina, and has had three children: Ruth Wolcott, born July 22, 1884; Irving Gay, November 23, 1885; and Roger Hamlin, June 16, 1889, deceased.

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### JOHN BURT FOSTER.

**J**OHN BURT FOSTER was born in Petersham, Mass., June 5, 1819. His father, John Foster, was born in Paxton, Mass., and moved to Petersham in 1805. In 1807 he married Hannah Lincoln. They settled upon a farm in the westerly part of the town, where they lived until the death of Mr. Foster, in 1827. They had eight children, four sons and four daughters. John, the subject of this sketch, is the youngest of the four sons. His maternal grandfather, Enos Lincoln, moved from Norton, his native place, in 1776, and purchased land and erected build-



ings. The house and barn, built at that time, still remain in their original form, after weathering the storms of nearly a century and a quarter.

John Foster, the father of the subject of this sketch, was a man much respected for his worth and intelligence. He took an interest in town affairs, and was frequently a selectman and the holder of other town offices. His industry and hard labor for the maintenance of his family broke down his health, and, after a struggle to regain it, he died at the age of fifty years. The mother, left a widow with six children, and with little property beside the farm, displayed the native energy of her character, upheld by an unswerving Christian faith. After seeing her six children all married and well settled in life, she died at the home of one of her daughters at the age of sixty-eight.

At the time of the father's death, John was not quite nine years old. By diligent attendance at the district schools, he had, at the age of thirteen, made good progress in the common branches of education. This attainment was increased by subsequent attendance at the Friends' Academy in New Bedford, at New Salem Academy, at a private school in Hardwick, Mass., and at the academy at Bucksport, Maine.

At the age of sixteen the young man found himself in principal charge of the farm, as his older brother had left home. At seventeen he left home, and was clerk in a store in Athol, Mass., and later in Wendell, Mass., and from this place went to Bangor, arriving there February 1, 1837. Since that date Mr. Foster has been a citizen of Maine, being resident the first year in the village of Levant (now Kenduskeag, near Bangor), and the remainder of the time in Bangor itself. In August, 1839, Mr. Foster entered the employ of Messrs. Howard & Jenkins, and, after a time as clerk, became the manager of a business under his own name in joint account with them. Afterwards, Howard & Jenkins having separated, he formed with Mr. Jenkins a co-partnership, under the name of James Jenkins & Co. These business ventures came to an end on account of his failing health, and by advice he gave up business and took a long sea voyage, sailing in December, 1842, for New Orleans, and thence to Havre, France, from which place, after visiting Paris, he returned to New York, arriving there in April, 1843.

He was greatly reduced in strength on his arrival in New York, and remained there under the care of a physician some weeks, when he went to Boston, where he made a further stay before finally returning to Bangor and engaging in business in September, 1843. From that date until 1883 he was in active business. In the course of these forty years he was a partner in the following connections: Foster & Upton, general merchandise and lumber; Foster & Hayward, lumber and timber lands (also, at the same time, Foster & McRuer, auction and commission); and for twenty years W. P. Hubbard & Co., flour and grain. In this last Mr. Foster was not exclusively engaged, but was by himself in real estate. Being influential in obtaining a charter for a marine insurance company in 1851, he was connected with this company in various capacities until 1880; first as secretary, for the purpose of putting the company in operation, always as director and trustee, and for twenty years as president. The company, under his management was successful, and he has a high reputation as an able underwriter in the marine business.

In public life Mr. Foster served three years in the city government, the first as councilman and the last two in the board of aldermen. In 1865, and again in 1866, he was elected to the state legislature as representative. Both in committees and in debate he took good rank, and was twice elected (1872 and 1873) to the state senate. In the session of 1872 he attained much prominence in the discussion of



*Albert A. Bromleigh*





several questions, which aroused great interest and hot contest, and in 1873 he was chosen president of the senate. As a presiding officer he was popular, and able, and just in his rulings.

In 1879 he was a member of the Executive Council. Since that time he has taken no very active part in politics. Casting his first vote as a Whig for General Harrison in 1840, he entered the Republican party at its formation and continued to act with it till 1880, when he voted for General Hancock. Since that time he has voted independently, in national elections generally with the Democrats. In 1896 he voted for Palmer and Buckner.

Mr. Foster married, November 16, 1843, Catherine, only daughter of Jacob and Phebe V. McGaw. Mr. McGaw was a native of New Hampshire, a graduate of Dartmouth College, and a life-long friend of Daniel Webster. Having come to Bangor in 1805, he was a leading member of the Penobscot bar, being its president at the time of his death in 1867.

The domestic life of Mr. and Mrs. Foster has been greatly blessed. Mrs. Foster is a lady of high intellectual qualities and refinement, and her lovely character wins her the regard and affection of all who know her. Within a year after their marriage they went to live with her parents, the feeble health of the mother requiring their especial care. Both the older people have long since passed away, and Mr. and Mrs. Foster continue to reside in the family homestead. They have had three children, two daughters and one son. Of these the eldest daughter and the son are living, the younger daughter, a woman of rare loveliness and charm, having died in 1878 at her home at Oahe, South Dakota, where her husband, Rev. T. L. Riggs, was and now is missionary among the Sioux Indians. The elder daughter is the wife of Gen. Charles H. Howard, of Chicago. The son, Rev. John McGaw Foster, is rector of St. John's Episcopal Church in his native city of Bangor, and with his wife and child lives near the old home. Surrounded by their children and grandchildren, Mr. and Mrs. Foster happily celebrated their golden wedding in 1893.

Both Mr. Foster and his wife have long been interested in religious work. Each became a member of the Congregational Church early in life, and in church and Sunday-school have always taken an active part. Widely respected and beloved, they live quietly in the old homestead, finding happiness in their children and their grandchildren, three of whom have already been graduated from college. Their education is a source of constant interest to their grand-parents.

Though retired from active business, Mr. Foster retains interest in many organizations, of which he is a trusted and valued counsellor.

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### ALBERT A. BURLEIGH.

THE great and varied influence that is exerted by a man of high aims in business, and in his relations to the community in which he lives, is well exemplified in the career of Albert A. Burleigh, who is in every respect a typical representative of the New England character—persevering and enterprising, courageous and conservative, of scrupulous and exact habits of mind, a man of the highest intellectual and moral integrity. Such a man exercises a more widespread and vital influence in the actual life of the community in which he lives than hundreds of secluded and retiring teachers of ethics in colleges and in literature, for he is an active figure in the initiation of every good movement that makes for character and righteousness in the community, and he teaches men not remotely, as mere ethical teachers do, but keenly and vitally in every-day associations and aims.

Mr. Burleigh was born in the town of Linneus, Aroostook county, October 12, 1841. His advantages for education were practically confined to the district schools of his native town. Being of a mathematical turn of mind, he gave his attention to the study of surveying, which knowledge became of inestimable value to him in later years.

During the Rebellion Mr. Burleigh responded to the call of our imperiled country, and enlisted first in the District of Columbia Cavalry, and was transferred afterwards to the First Maine Cavalry. He was severely wounded at Stanton River Bridge, June 25, 1864. In this engagement a minie ball passed through his left thigh, while at the same instant his left shoulder was shattered by a piece of shell. He was left upon the field, and being unable to get to his regiment was captured and taken to Libby Prison, Richmond, where he remained fifty-five days, and endured the agony there which now is a matter of history regarding that celebrated prison. Upon returning to his native state he resided for several years at Oakfield and Linneus, and about twenty-five years ago removed to Houlton, where he has since resided. Soon after his discharge from the army he was elected county commissioner, and has received four successive elections to that office, a compliment never tendered to any other commissioner since the organization was formed. He was appointed collector of customs of Aroostook county by President Garfield, resigning the office of county commissioner. During the first Cleveland administration he was again elected county commissioner, and again resigned that office during the Harrison administration, when he was again appointed collector of customs.

While Mr. Burleigh has been prominently identified with all measures tending to advance the interests of Houlton and its vicinity, the crowning event of his business career was the elaboration of a plan known as the "Burleigh Scheme," for the building of the Bangor and Aroostook Railroad. The company was formed with Mr. Burleigh as president and F. W. Cram, of Bangor, as manager. From the inception of the plan to the present time Mr. Burleigh has given this road his best efforts and labored incessantly for its success, and has lived to see the completion of a project which already has been of inestimable value to Aroostook county, and will unquestionably become more and more so with advancing years.

With a limited early education Mr. Burleigh has risen by the force of his own ability to a stand in the front rank of the business men of his state.

## LLEWELLYN POWERS.

**F**EW men in Maine have been elected to public office with a record as distinguished as that of the subject of this sketch. His father, Arba Powers, lived in early life in Canaan, Maine, and removed to Pittsfield, in that state, where he cultivated a farm and engaged in the business of a lumberman. He built a log cabin in Pittsfield, and there his older children were born. He afterwards built a substantial farm-house, where he spent the remainder of his life, and where his widow, whose maiden name was Naomi Mathers, still lives at the age of eighty-five years. He died in 1879, having had ten children. Llewellyn was the oldest son. The second son, Cyrus, who died in Houlton, in 1884, was a member of the legislature of Maine three terms, and a member of the executive council two. Gorham, the third son, is a district judge in Minnesota, and Amos, the fourth, is at the head of a large school in Lincoln, California. Cassius Clay, the fifth son, graduated at Bowdoin College in 1869, and is practicing law in Boston, in which city he was a member of the Common



Levellyn Rivers





Council from 1886 to 1888. Sceva, the sixth, has been in mining, trading and lumbering, and Don A. H. and Frederick A. are practicing law in Houlton. Frederick is the attorney-general of Maine, and Don, one of the two Democrats of the family, has been a Democratic candidate for Congress.

Llewellyn Powers, the oldest son, was born in Pittsfield, Me., and received his early education at the public schools. He afterwards attended St. Albans' Academy and the Waterville Academy, now the Coburn Classical Institute, and entered Colby University, in Waterville, in the class of 1861. In the latter part of his sophomore year he left college, and entered the law school of Albany University, in Albany, N. Y., where he received a degree of LL.B. in 1860. In December, 1860, he returned to Maine, and in January, 1861, after his admission to the Somerset county bar, began practice in Houlton. At a later date, he was admitted to the Suffolk bar in 1888, and practiced law in Boston a short time, having his residence in Brookline. For many years he was associated with his brother, Frederick, in the practice of his profession.

Mr. Powers became extensively engaged in the management of timber lands, and the pursuit of his profession has been obliged to yield to a great extent to the exacting cares of his timber property. He is now one of the two or three largest land-owners in Maine, and has probably in his possession nearly two hundred thousand acres. He was early in his practice admitted to the United States Courts, and has been engaged in suits of considerable magnitude within their jurisdiction. In 1864 he was chosen county attorney of Aroostook County and re-elected in 1867. That, strong Republican as he was, he should be chosen in a Democratic county illustrated the respect and confidence in which he was held by his fellow-citizens. In 1869, he was appointed by President Grant collector of the Aroostook District, and in 1873 declined a re-appointment. In 1874, 1875 and 1876 he was a representative in the State Legislature, and in 1876 was chosen to represent the fourth Maine District in Congress. In 1878 he was re-nominated, but was defeated by the Democratic candidate, who was also supported by the Greenbackers. While a member of the Legislature, he was looked upon as a conscientious and wise legislator, and was regarded by many of his fellow-members as their mentor and guide. The Act abolishing capital punishment was the result of a bill offered by him, and its passage was largely due to his efforts. He was a member of the Legislature of 1883. In 1892 he was again sent to the Legislature and rechosen in 1894. In the latter year he was unanimously chosen Speaker, and in the former he took a strong stand against trusts and against what was called the druggists' bill authorizing the sale of liquor by druggists. While not a total abstainer from the use of stimulants, he believes in reasonable prohibition and a reasonable enforcement of prohibitory laws. He is far from believing in the expediency of enacting laws, which, though strongly prohibitory on their face, are too severe to receive general approval, and cannot therefore be enforced. A law which is not enforced throws discredit on all laws, and is therefore detrimental to the best interests of the state.

His course in the legislature, bold, independent, and flavored with a sincere regard for the rights and welfare of the people, enlarged and confirmed his reputation, making it reasonably sure that at the close of the career of Governor Cleaves, he would take his place in the executive chair. Nor were the expectations of his friends disappointed. In July, 1896, he was nominated by the Republicans at their state convention, and in September was chosen governor by a larger majority than ever given to any of his predecessors.

Mr. Powers is in the prime of life, fifty-nine years of age, and the writer of this

sketch is not afraid to venture the prediction that higher honors still are in store for him.

Governor Powers married, December 25, 1887, Martha, daughter of Luther H. Averill, of Lincoln, and has four children.

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### MOSES BAILEY.

**A**MONG the citizens of Kennebec county in the state of Maine who have won a place in the memory of their fellow-men, and who, by their exemplary lives, energy and ability for business, have made themselves a part of the history of the state, Moses Bailey is prominent, and deserves especial mention. He came of strong English ancestry, his great-grandfather coming from England to Plymouth county, Mass., during the oppressive reign of the Stuarts, and the family became settled in Hanover. His grandfather, Jacob Bailey, came from Massachusetts to Leeds, Me., in the year 1786. His father, Ezekiel Bailey, married and settled in Winthrop (near Augusta), Me., in his early manhood, where Moses Bailey was born December 18, 1817. The father lived to the advanced age of eighty years, a man of great vigor both of mind and body.

Moses Bailey entered Friends' Boarding School at Providence, R. I., at the age of sixteen, and remained there about three years. He was a careful student, and these three years of training in the school were of great value through all his life. When about twenty-one years of age he, with his brother, Charles M. Bailey, commenced the business of manufacturing oil-cloth, which was then only in embryo. By industry, push and good management they improved the methods of the manufacture, and vastly enlarged the business. After working a few years in company with his brother, he finally sold his interest to the latter, and built an extensive factory at Winthrop Centre. He was always ready both to oversee every part of the work, and also to perform any part of the labor with his own hands. The work went on and prospered in this factory until it was destroyed by fire in 1870.

Moses Bailey was a birthright member of the Friends' Church, and was an exemplary Christian both in faith and life. He was very prominent in the work of the church, and the causes of temperance, peace and education always had his hearty support.

In 1871 he purchased the carpet business of Marrett, Poor & Company, in Portland, Me., which is now continued by his son and brother-in-law, T. M. Johnston, under the firm name of H. J. Bailey & Company. In 1875 Moses Bailey purchased, in Camden, N. J., an oil-cloth factory, which he enlarged and improved. These enterprises continued to occupy more or less of his attention until his death, which occurred on the 6th of June, 1882. He left a wife, Hannah J. Bailey, who still resides at the home in Winthrop, and one son, Moses Melvin, who inherited the business in Portland, and whose residence is in the suburbs of that city.

Moses Bailey left a large property, and his whole career was attended by prosperity; but he worked hard and faithfully for what came to him, and his success has helped make many others successful. He was a quiet, reserved man, but broad-minded and liberal, and his life eminently belongs with the class of lives which makes the world richer and better.





Very Respectfully  
Moses Bailey





*Albion P. Snow M.D.*





## ALBION PARRIS SNOW.

**D**R. SNOW is the son of Abiezer and Sally (Purington) Snow, and was born in Brunswick, Me., March 14, 1826. His mother died when he was five years of age, but, under the care of a step-mother, his education and training were not lost sight of. After attending the district school, he was put out on a farm at the age of fourteen, having during intervals the advantage of a further attendance at school. Having by his own efforts, aided by a strong desire for learning, acquired a fair education, he began at the age of eighteen to teach school, and for several years alternated between the positions of teacher in the district schools and pupil in the academy, until he had nearly completed his preparations for entering Bowdoin College. A college career and a higher education had always been his aim, and consequently the failure of his health, which necessitated a change in his plans, brought with it a sore disappointment.

With a partial restoration to health at too late a time to enter college, he began to study medicine, under the care and instruction of Professor E. R. Peaslee, of New York. The medical profession was that which he would have chosen had he been permitted to enjoy a college career, and, perhaps, his adoption of it at an earlier day, with all the zeal and enthusiasm of a more youthful heart, was fortunate. His mental qualities were of such a character that he could not fail to make up by self-imposed courses of study for any loss which his deprivation of a life at Bowdoin might have inflicted. While a student of Professor Peaslee, he attended the Dartmouth Medical School two terms, and the Maine Medical School three terms, and received his degree from the latter institution in 1854. In both the Dartmouth and Maine Medical Schools he was appointed to the position of demonstrator of anatomy, and, when ready to begin practice, settled in Winthrop, Me.

There is no better school for a young physician than the practice of the town as opposed to that of the city. Unlike the city practitioner, he is away from specialists, and, in even a short career, he becomes familiar with and is called upon to act in every department of medical and surgical science. There is no limit to the varied character of his cases, and, in these days, the country physician of good endowments and education is in advance of his city brother in an all-round proficiency in his profession. To such a school was Dr. Snow introduced when he settled in Winthrop, and he has always maintained a high rank in the profession and in the public estimation. After six years of active practice he attended various schools and hospitals in this country and Europe, and returning, in 1861, resumed a practice which became steadily enlarged and successful.

Early in his career Dr. Snow joined the Maine Medical Association, and has, at various times, enriched its literature by the contribution of papers, among which may be mentioned those on "The Prevailing Diseases of Kennebec County," on "Puerperal Convulsions," on "Diphtheria," and on "Medical Education." In 1873 he was president of the association, and, in his inaugural address, advocated zealously the establishment of a state board of health. In 1868 he was appointed chairman of a committee to organize the Kennebec County Medical Association, of which body he was chosen president in 1869. As a member, too, of the American Medical Association he has taken an active part in various ways which have served to broaden and elevate the profession. In 1879 he was appointed a trustee of the Maine Insane Asylum, in Augusta.

Dr. Snow has been so thoroughly devoted to his profession that the field of politics has failed to allure him with its false lights from his legitimate path. He was, however, a representative in 1871, but he made his public service subservient to his profession by the introduction into the legislature and the advocacy of a bill to regulate the qualifications of practitioners in medicine and surgery.

Next to his profession the cause of education has had a place nearest the heart of Dr. Snow. He has never forgotten his own early deprivations which have only been made up by earnest effort and study, and he appreciates, perhaps more than those who have had better opportunities, the value of a good school education. He has served twenty years on the school board of Winthrop, during twelve of which he was chairman. His public spirit, however, is not confined to the schools. By every means available he has exerted an elevating and refining influence in his town, and is an earnest promoter of every measure to promote the welfare of the community of which he is a member.

Dr. Snow married, May 25, 1852, Matilda B., daughter of Stephen and Matilda (Sewall) Sewall, of Winthrop, who died June 9, 1893, leaving no children.

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### ARA CUSHMAN.

**A**RA CUSHMAN, son of Ara and Esther Merrill Cushman, who was born at Woodman Hill in Minot, Maine, April 30, 1829, traces his ancestry in this country to Robert Cushman, who was prominent in securing the charter for the Plymouth colony, and the charter for the first permanent settlement in the Massachusetts Bay Colony. Robert came to America in the ship "Fortune" in 1621, but soon returned to England as agent of the colony, leaving his son Thomas in the care of his "intimate friend," Governor William Bradford. Thomas married Mary Allerton, a passenger on the "Mayflower," and on the death of William Brewster, was elected one of the elders of the Plymouth Church.

Ara Cushman's early life was spent on his father's farm in Minot, making the best possible use of the slender opportunities afforded by the district schools for acquiring an education. His education was continued at the academies at Lewiston Falls and Gorham, where he succeeded in securing that knowledge which greatly aided him in his subsequent successful business career. When only nineteen years of age he taught the district school for several terms.

With that keen foresight, which has been characteristic of his career, early in life he saw that the great development of New England lay, along the line of manufacturing, and he became one of the pioneers in the manufacture of the finer grades of boots and shoes. The beginning of this industry, which has grown to large proportions, was in a primitive little shop at West Minot. This was a square-roofed, one-story building, less than twenty feet square, locally known as the "Tea Can," and here for some months Mr. Cushman worked alone, cutting the leather and making the shoes which he sold to retail dealers in Cumberland and Kennebec counties from a wagon which he drove through the country. The energy and industry which have been manifested in later years was apparent here, and his business increased steadily, until in 1855, a larger building was required, and twenty-five persons were employed. In 1859 his plant was increased by the erection of a two-story factory, which he occupied until 1863, when the business having outgrown the hamlet in which it had been nurtured, was transplanted to Auburn, and here it has steadily grown until it has attained the proud position of one of the largest manufac-





*Ara Cushman*



turing establishments of its kind in New England. It was first known as Ara Cushman & Company, but later was incorporated as the Ara Cushman Company, and it is but justice to Mr. Cushman to add that the success of this immense establishment is largely due to the untiring energy and great executive ability of Mr. Cushman.

Notwithstanding his large business interests he has been called to many positions of trust and responsibility by his fellow-citizens, and all matters tending to advance the interests of Auburn have found in Mr. Cushman an earnest and active supporter. He is president of the J. M. Arnold Shoe Company, of Bangor; a director in the A. H. Berry Shoe Company, of Portland; the Auburn Loan and Building Association. He is president of the Old Ladies' Home, and a trustee in various other institutions. He has been president of the National Shoe and Leather Bank of Auburn from its organization in 1875.

In religious matters he is a Universalist, and the erection of the beautiful Elm Street Church in Auburn of this denomination was largely due to his beneficence. He is deeply interested in other institutions of this church in New England. He was for four years president of the Universalist State Convention, and is one of the largest owners of this denominational paper.

Heartily in sympathy with all measures looking towards the suppression of the sale of intoxicating liquors, he was president of the Law and Order League during its days of activity, and bore much of the burden in the struggle against intemperance.

Although never actively engaged in politics, he is a member of the Republican party and an earnest advocate of its principles. He represented his city in the state legislature in 1873 and 1874, and has been a delegate to many important conventions. Mr. Cushman has given much study to the questions that involve the relations that exist between employer and employee, and is ever ready to aid all worthy objects not alone by his advice, but by his purse as well. The Sunday-school, the Literary Club, the Library Association, the public schools, the social gatherings, the temperance meetings, all find in Mr. Cushman a firm and true friend. His love of literature and books was manifested early in life, and he has accumulated one of the largest and best-selected private libraries in Maine. It may be truly said of him, that while his vocation is making shoes, his avocation is the work of the lover of books. He has developed in a remarkable degree those qualities and powers which characterize a man of refined sensibilities and broad and rich intelligence.

June 21, 1853, he united in marriage with Julia W., daughter of Captain Thomas and Sallie W. Sawyer Morse, of Gray, Me. They have two children: Charles L., vice-president and general superintendent of the manufacturing department of the Ara Cushman Company, and Ara, Jr., who is assistant superintendent.

Mr. Cushman's long life, full from the start of honest purpose, intense application and constantly hopeful courage, has brought to him a competence, the serene joy of a beautiful home, and the affectionate esteem of the community.

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### JOHN HUBBARD.

**T**HE subject of this sketch was the son of John and Olive (Wilson) Hubbard, and was born in Readfield, Me., March 22, 1794. His father, the son of a physician, was born in Kingston, N. H., in 1759, and in 1784 removed to Readfield, where, like his father before him, he devoted his life to the practice of medicine. He carried with him to Maine his widowed mother, who died in 1807 at



seventy-five years of age, and died April 22, 1838. In connection with his profession he engaged in the occupation of farming, and was at one time a representative from Readfield in the General Court of Massachusetts, of which state the district of Maine was then a part. His widow, Olive (Wilson) Hubbard, died October 20, 1847, at the age of eighty-six, having been the mother of twelve children.

John Hubbard, of whom this sketch is written, was the oldest son, and from his earliest childhood was both mentally and physically strong and vigorous. In athletic games he was distinguished among his fellows, and, as an expert swimmer, it was his fortune at one time to save the life of a playmate. As a boy he early displayed those traits of frankness, independence and sincerity which distinguished him through life. While attending the district school, he assisted his father on the farm and engaged in the study of mathematics and the languages. Such an education as the public school and his own private study could furnish was supplemented by an attendance for ten months at one of the neighboring academies, and in 1813, at the age of nineteen, he left home with fifteen dollars in his pocket, and with a horse furnished him by his father, and, going first to Hanover, N. H., for the purpose of ascertaining the requirements for admission to college, then went to Albany, N. Y., where for a short time he was engaged in private instruction. In 1814, at the age of twenty, he entered, as Sophomore, the class of 1816 at Dartmouth, employing himself a part of the time during his college career in teaching school. After his graduation, he continued his employment as teacher, and for two years was the principal of the Hallowell Academy. He then taught school two years in Virginia, and in 1820 entered the Medical School of the University of Pennsylvania in Philadelphia, from which institution he received his degree in April, 1822.

He began practice in Dinwiddie county, in Virginia, where he remained seven years. Having married a daughter of Maine during his residence in Virginia, the advancing age of his own parents, and those of his wife, induced him to return for a permanent settlement to his native state. His wife joined her parents in Dresden, Maine, while he tarried for a time in Philadelphia, attending medical lectures, and in 1830 he established himself in business and in a permanent home in Hallowell. There he remained until his death, enjoying an extensive practice until the routine of his life became disturbed by the exacting duties of public office, to the performance of which he was called by his fellow-citizens. The first break in his professional life occurred in 1843, when, as the candidate of the Democratic party, he was chosen state senator. The district which he represented was one always controlled by the Whigs, but such was his popularity, and so great were the confidence and esteem in which he was held, that his election was easily accomplished. While in the senate, as chairman of the committee to whom the matter was referred, he opposed the passage of an act to obstruct operations under the fugitive-slave law of 1793, and secured its defeat in that body after it had passed the House. He was far from being an advocate of, or an apologist for the institution of slavery, but he believed that the slave-holder had rights, and that all laws should be enforced.

In 1849 he was chosen governor of Maine, with two competitors in the field, Elijah L. Hamlin, the candidate of the Whigs, and George F. Talbot, that of the Free-Soil party. In 1850 he was again chosen over Wm. G. Crosby and George F. Talbot, the Whig and Free-Soil candidates. Owing to a change in the Constitution, extending the gubernatorial term to two years, he continued in office until January, 1853, when, though renominated, he fell short of receiving a majority vote, and Wm. G. Crosby, the Whig candidate, was chosen by the Legislature. During his administration as Governor he advocated, in his messages, the establishment of a reform



*John Hubbard*





school, an agricultural college, a college for females and endowments of colleges and academies, as well as a system for the instruction of teachers. He also favored the acquisition by the state of the public lands within its borders, the encouragement of settlers upon them, and measures to develop that large territory in the Aroostook section of the state, which, without railroad facilities, used the St. John River as the outlet for its timber and produce, and paid large annual tribute to the foreign port of St. John. The final purchase by the state of these lands from the commonwealth of Massachusetts was due to his urgent recommendation and efforts. The construction of a railroad from Bangor into and through Aroostook county, was encouraged by him, and to him belongs the credit of initiating a movement to that end, which has been recently consummated to the credit of its enterprising projectors, and which promises largely added business and wealth both to Bangor and the whole state.

During his administration, the temperance question, which had long agitated the people of Maine, took direction and shape. In 1846, an act had been passed restricting the sale of intoxicating liquors, for which an effort was made in 1849 to substitute a much more radical measure, containing offensive provisions for search of private premises, which, after its passage by the legislature, was vetoed by Governor Dana. In May, 1851, a new law was passed with restricted provisions for search, which, being constitutional, Governor Hubbard believed it beyond his authority to veto, and which, in a somewhat modified form, is now in force. The operation of this law illustrates the futility, if not absurdity, of enacting statutes which are not sustained by public opinion. The fact is, it was a law passed by the minority in their effort to control the majority. Under a democratic form of government, a law should always be the voice of the majority, and should not be enacted until the majority demands it. If temperance reformers would give their attention and devote their efforts to the creation of a public temperance sentiment, instead of bringing a pressure to bear on legislature, a temperance law would follow as its legitimate and necessary expression, and there would be no difficulty in enforcing it. As a necessary result, though the Maine law has a widespread notoriety, and the state is thought beyond its borders to be a prohibitory one, there is scarcely a hotel in its cities without its open and freely patronized bar.

After leaving the gubernatorial chair, Governor Hubbard resumed the practice of his profession, which, however, was again disturbed in 1857 by his appointment by President Buchanan as special agent of the treasury department for the examination of custom houses in Maine. In 1858 his jurisdiction was extended so as to include all the New England states. In 1859 he was appointed a commissioner under the reciprocity treaty with England concluded June 5, 1854, and he remained in office until the new administration came into power in 1861.

In the presidential election of 1860 he was a Douglas Democrat, and voted for the little giant for president. During the war he was a war Democrat, and was unfaltering in his support of the Union cause. Both his sons served in the Union army, and the oldest, who bore his name, was killed at the assault on Port Hudson, La., May 27, 1863. In 1864 he voted for President Lincoln, and thenceforth, until his death, affiliated with the Republican Party. He was, however, to the last, a believer in a construction of the Constitution as strict as was consistent with the permanent safety of the Union. It was, in fact, his patriotic love of the Union which made him an advocate of state rights, for he believed that their observance would be the means of preserving it.

Governor Hubbard married, in July, 1825, Sarah H. Barrett, of Dresden, Me.,

and died February 6, 1869. As has been truly said of him, "his career illustrates the strength, solidity and justice which constitutes high character in the individual and safety for the state."

### GEORGE CARY, M.D.

**I**N 1198 Adam DeKarry was lord of Castle Karry, in the county of Somerset, England, and the village now situated near the site of that ancient castle is called Castle Cary. Adam DeKarry was the ancestor of John Cary, who came to New England in 1634, and settled in Bridgewater, Mass. Records in the possession of the family state that John Cary was sent to France to be educated, and that his father died during his absence. Owing to some disagreement among the children in the settlement of the father's estate, John Cary, probably then about eighteen years of age, received by compromise his portion and emigrated to America. He was one of the first settlers of Bridgewater, and one of the grantees in a deed from Massasoit of the territory, fourteen miles square, on which that ancient town was originally laid out. The consideration in the deed was "seven coats, a yard and a-half in a coat; nine hatchets, eight hoes, twenty knives, four moose skins and ten and a-half yards of cotton." He married in 1644, Elizabeth, daughter of Francis Godfrey, and died in 1681.

Francis Cary, son of John and Elizabeth, born in Bridgewater in 1648, married in 1676, Hannah, daughter of William Brett, and died in 1718. Ephraim, son of Francis and Hannah, born in Bridgewater in 1679, married in 1709, Hannah Waldo, and died in 1765.

Ephraim, son of Ephraim and Hannah, born in Bridgewater in 1714, married Susanna, daughter of Ebenezer Alden, and died in 1791.

Ephraim, son of Ephraim and Susanna, born in Bridgewater, in 1748, married in 1771, Jane, daughter of John Holman, and removed to Minot, Maine, where he died in 1828.

William Holman, son of Ephraim and Jane, born in Bridgewater, May 12, 1779, removed to New Salem, Mass., and afterwards settled as a carpenter in the town of Houlton, Maine. He married in 1801, Catherine, daughter of Benjamin Haskell, of New Salem, and died in Houlton, January 27, 1859.

Houlton, at the time of his settlement there, was a new town, its territory covering a half township of wild land, given by the Commonwealth of Massachusetts to the Academy of New Salem, in that state, and selected in behalf of the academy by Joseph Houlton, one of its first settlers.

Shepard Cary, son of William Holman and Catherine, born in New Salem, Mass., July 3, 1805, married, December 25, 1832, Susanna Whitaker, of New Salem, the daughter of a leading citizen of that town, and died in Houlton, in 1866. He was a man of note in Aroostook county, engaged in the various occupations of lumberman, merchant, farmer, and mill-owner, and served his town twenty years in the legislature, and was also a member of Congress.

Such is the ancestry of George Cary, son of Shepard and Susanna (Whitaker) Cary, and the subject of this sketch. In his veins runs the old Puritan blood, mingled through Susanna Alden, wife of Ephraim Cary, with that of John Alden and Priscilla Mullins, of the "Mayflower" company. Dr. Cary was born in Houlton, August 29, 1837, and in his early youth attended the public schools of his native town. He fitted for college at North Yarmouth Academy, Yarmouth, Maine, and graduated at Bowdoin College, in the class of 1860. Among his classmates were Hon. Joseph W. Symonds, Hon. Thomas B. Reed, Hon. W. W. Thomas, Colonel A. W. Brad-



*George Cary.*





bury, all of Portland; Augustin Jones, of Providence, R. I.; Philip H. Stubbs, of Maine; Hon. Amos L. Allen, of Alfred, and Hon. Horace H. Burbank, of Saco. He remained at home during the winter of 1860-61.

The breaking out of the Civil War found him loyal to his flag and fully aroused to his country's peril. In October, 1861, he enlisted as a private in Company K, First Cavalry, Maine Volunteers, under the command of Colonel John Goddard, and was mustered in, November 2, as first lieutenant. He proceeded with his regiment to Washington, and, after having been most of the time in command of his company, was promoted to the rank of captain in December, 1862. Joining Pope's command before Washington, he participated, with the regiment, in the battle of Cedar Mountain and Second Bull Run, and later took part in the battle of Fredericksburg and other engagements in which his regiment saw service.

In the campaign under General Pope, at the battle of Bull Run, he was sent in command of two companies to the right of the army, with instructions to make hourly reports of the enemy's movements; and on his alertness and close observation the safety of the Union forces in a measure depended. After McClellan had resumed the command of the Army of the Potomac, and was following Lee through Maryland, Captain Cary was detailed with his regiment to do provost marshal duty in Frederick City, and thus lost the opportunity of taking part in the battles of South Mountain and Antietam. In the autumn of 1862 he was severely attacked with malaria and its sequelæ, which became so serious that it was necessary for him to resign, and in January, 1863, he received his discharge. From that time until the present each season has brought on a relapse of his trouble, leaving no expectation of an entire recovery.

Returning home he remained three or four months in Houlton for the purpose of recovering his health, and then began the study of medicine with Dr. Frank B. Merrill, of Alfred, Maine. He was drawn to Alfred by the fact that his college roommate, Samuel M. Came had his home there, but his selection of an instructor proved a fortunate one. At the end of a year he went to Washington to accept a clerkship in the War Department which had been tendered him. While performing his official duties at Washington he fortunately was enabled to attend a course of lectures at the Georgetown Medical College.

After a residence of a year and a half at the capital he went to New York and entered the College of Physicians and Surgeons, at that time the best preparatory medical school in the United States, and from that institution he received his degree in March, 1866. Having completed his medical studies, the death of his father occurring in the year of his graduation, he determined to make Houlton his permanent residence. His family had long been identified with the town, he had been brought up among its people, who knew the stock from which he had sprung and had confidence in his abilities, and among the families of the friends of his youth he believed he would find the means of a successful professional career. It was a difficult field for a physician. With a population of about twenty-five hundred inhabitants, Houlton had become the trading centre of numerous towns and settlements into which over rough roads, by night as well as by day, he must be called to perform the inexorable demands of professional duty. But the field was an instructive and useful one as well as difficult. Without specialists either to aid or to interfere with his work, at a distance too great from skilled metropolitan practitioners to be overshadowed by them, he was brought face to face with the blindest forms of disease and the most critical surgical cases, and thus had opportunities which the larger towns and the cities would not have afforded of acquiring self-reliance, of developing his professional skill, and of studying the full range of theory and practice.

Thus Dr. Cary has become the leading physician in his county, having established an enviable practice and achieved an honorable position in the ranks of his professional brethren. In 1879, he was appointed by Governor Garcelon, surgeon-General of Maine and served in that capacity during his administration. He is a Fellow of the American Academy of Medicine, and also a Fellow of the American Academy of Political and Social Science. He is a comrade of the Military Order of the Loyal Legion of the United States. He has also served as a member of the Board of Health, and as United States Pension Examiner. Together with his practice he is repeatedly called upon by his brethren in the profession in a consulting and advisory capacity.

Nor have the abilities of Dr. Cary been confined in their exercise to the duties of his profession. His interest in his native town and its people has led him into a participation in enterprises calculated to advance their welfare. In 1869 and 1870 he was a member of the State Senate, and to his efforts was due the incorporation of the Houlton Savings Bank at a period when those institutions found little favor with the legislature. He was one of the projectors of the branch railroad from Houlton to Debec Station in New Brunswick, and was at one time one of its directors. This road has since been incorporated with the Canadian Pacific road.

In religious associations Dr. Cary is independent in belief, but more nearly allied to the Unitarian denomination than to any other. He is a firm believer in a Supreme Being and in a future existence as the necessary justification of a hope and desire which exist in every human breast. In political associations he is also independent. Throwing his first presidential vote for Douglas in 1860, he was afterwards allied with the Republican party until after the Hayes and Tilden campaign, since which time until the campaign of 1896, when he voted for McKinley, he has called himself a Democrat. In describing his political status it would perhaps be accurate to say that he is a Cleveland man, which implies the advocacy of a tariff for revenue only, civil service reform, sound money, international arbitration, and such an application of the Monroe doctrine as admits of "no entangling alliances abroad or foreign intervention."

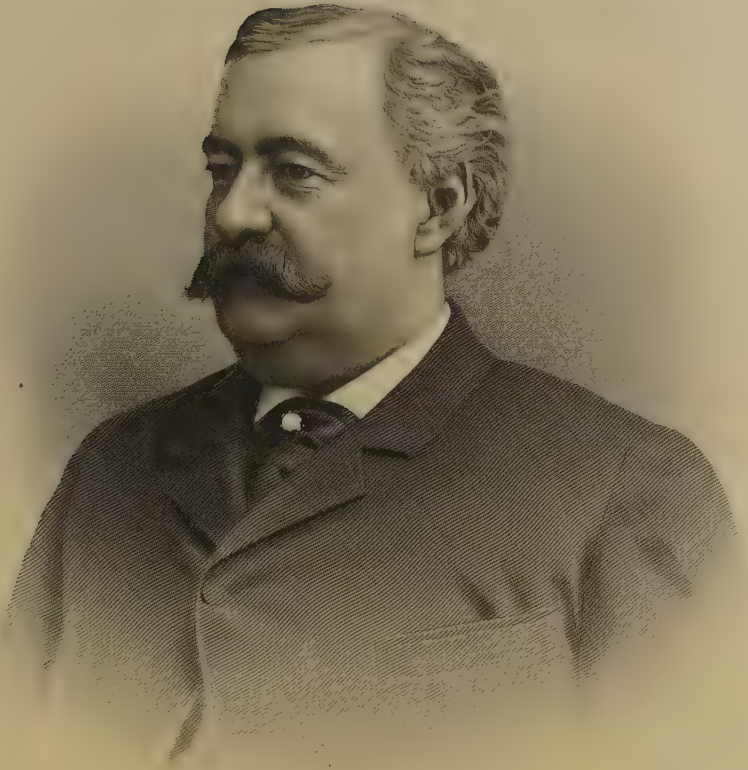


### FREDERICK CHARLES THAYER, M.D.

**D**R. FREDERICK CHARLES THAYER is descended from both Pilgrim and Puritan stock. Thomas Thayer, his earliest American ancestor, came from Braintree, England, to New England, with his wife, Margery, and three sons, Thomas, Ferdinando and Shadrach, in the early days of the Massachusetts colony, and settled in Braintree, Mass.

Ferdinando Thayer, the second son of Thomas, married, January 14, 1652, Huldah Hayward, of Braintree, and, after his father's death, occupied his farm. Huldah Hayward was probably a granddaughter of Thomas Hayward, who, with his wife, Susannah, came from Alesford, England, in the "William and Francis" in 1632, and, returning to England, came back in the "Hercules" in 1635, and settled first in Duxbury, Mass., and afterwards in Bridgewater. It is not unlikely that Ferdinando, bearing an uncommon name, was named after Sir Ferdinando Gorges, who was for a number of years the governor of the castle in Plymouth, England, and one of the officers of the Northern Virginia Company much interested in New England colonization. Ferdinando removed to Mendon, Mass., and died in 1713, having had twelve children.





F. C. Thayer



Thomas Thayer, the sixth child of Ferdinando, married Mary Adams, and lived in Mendon, where he died in 1738, having had ten children. Samuel Thayer, of Mendon, the third child of Thomas and Mary (Adams) Thayer, married in 1719 Mary Thayer, and had nine children. Samuel Thayer, the second child of Thomas and Mary (Thayer) Thayer, removed to Uxbridge, where he married, May 3, 1754, Sarah Farmer, and had eight children. He married second, in 1782, Sarah Walker, and had three children. Stephen Thayer, the oldest child of the second wife, was born in Uxbridge, February 7, 1783, and married, May 13, 1808, Sophia Carleton, of Vassalboro, Me. He studied medicine, and practiced in China, Vassalboro, Fairfield and Waterville, Me., finally making a permanent settlement in Waterville. He was a member of the Massachusetts Medical Society until Maine became a separate state in 1820.

Charles H. Thayer, son of Stephen and Sophia (Carleton) Thayer, was born in Fairfield, Maine, October 14, 1810, where he married, October 3, 1836, Susan E. Tobey. He removed to Waterville, the adjoining town, and was many years engaged in general trade in that town, holding various positions of responsibility and trust, among which were those of chairman of the Board of Selectmen and bank director.

Dr. Frederick Charles Thayer, the son of Charles H. and Susan E. (Tobey) Thayer, was born in Waterville, Maine, September 30, 1844, and received his early education at the public schools in Waterville and at "Johnson's School for Boys," in Topsham, Maine. He was a member of the class of 1865, Waterville College, now Colby University, and spent eighteen months in Union College, Schenectady, N. Y. After completing his classical education he entered as a medical student the office of Dr. James E. Pomfret, of Albany, N. Y.; attended the lectures of the Albany Medical School in 1865 and 1866; afterwards entering the medical department of Bowdoin College, receiving his diploma from that institution in 1867.

He began practice at once in Waterville, and has steadily pursued his profession in that town, acquiring a reputation as physician and surgeon which has secured to him a clientele far beyond the immediate field of his daily life. As an operator in critical surgical cases he has won special distinction, combining prudent diagnosis and cautious judgment with boldness and skill.

In 1878, while still young in his profession, he was chosen president of the Kennebec County Medical Association, and, in 1884 and 1885, was president of the Alumni of the Association of the Medical Department of Bowdoin College (which he was instrumental in organizing). In 1886, he was the orator at the annual convention of the Maine Medical Association, and in 1887 and 1888 was president of that association. He is a contributor to medical and surgical journals, a member of the American Medical Association, and was a delegate to the International Medical Congress held in Berlin in 1890. While his extensive practice indicates his reputation among the people at large, these various offices show the esteem in which he is held by his professional brethren. His work as a man of culture and general learning has been recognized by the award from his Alma Mater of an honorary degree in 1884.

Like most medical men, Dr. Thayer has resisted the allurements of political life, and has only so far yielded to the importunities of his fellow-citizens as to consent to serve one term in the legislature, and on the Board of Aldermen of Waterville in 1889 and 1890. His political opinions, however, though not invidiously displayed, are well known, and at proper times and places, by his vote, or otherwise, are calmly and clearly expressed.

He is vice-president of the Waterville Trust and Safe Deposit Company, and one



of its directors. He is a friend of the state militia, serving as assistant-surgeon, and surgeon of the Second Regiment, National Guards, state of Maine; medical director First Brigade, and has served four years as surgeon-general on the staff of Governor Henry B. Cleaves.

Dr. Thayer married, December 2, 1871, Leonora, daughter of Judge William B. and Martha A. Snell, of Washington, D. C. His home is in Waterville, and his spacious offices on Main street, thoroughly equipped as they are with medical literature and professional paraphernalia, wear an expression of business activity showing the extent of his practice.

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### GALEN C. MOSES.

PROMINENTLY identified with the business interests of Sagadahoc county is Galen C. Moses, son of Oliver and Lydia Ham Clapp Moses, who was born in Bath, Me., August 30, 1835. He received the rudiments of his education in the public schools of his native city, and later entered Bowdoin College, where he graduated in the class of 1856. While in college, notwithstanding he was an ardent student, he gained considerable experience in connection with the ship-building industry of Bath. Having something of a taste for newspaper work, after graduating from Bowdoin he edited the *Eastern Times* for a few months during the presidential campaign of 1856. Soon after, he became secretary of the Bath Mutual Marine Insurance Company, and continued in that capacity until 1859, when he resigned, and spent the following year travelling in Europe. On his return, in company with William H. McClellan, he went into the wholesale trade in corn, flour and provisions, under the firm-name of McClellan & Moses, which business was continued until 1865. Mr. Moses then became treasurer of the Worumbo Manufacturing Company, operating woolen mills at Lisbon Falls, and has continued in that capacity to the present time; and much of the success of this company is due to the business energy and ability of Mr. Moses.

All matters tending to advance the interests of Bath has ever found in Mr. Moses an earnest advocate, and he has been called to many positions of trust and responsibility by his fellow-citizens. He is president of the First National Bank of Bath, the Androscoggin Water Company, the Rumford Falls and Rangeley Lakes Railroad Company, the Bath Street Railway, the Bath Gas and Electric Company, and the New England Shipbuilding Company of Bath. He is also treasurer of a number of other business corporations. He was also for several years president of the People's Twenty-five Cent Savings Institution of Bath.

Mr. Moses is actively interested in educational and religious matters, is president of the Maine Missionary Society, the Young Men's Christian Association, and of the Patten Free Library, to which he gave the present library building. He is vice-president of the board of overseers of Bowdoin College, a member of the board of trustees of the Bangor Theological Seminary, and is a member of the finance committee of both institutions. He was also president of the Old Ladies' Home, in Bath, for many years. Not only has Mr. Moses been deeply interested in the Patten Free Library, to which he has generously contributed, but to the Young Men's Christian Association also, he has been a great benefactor. To his generosity this association is indebted for the finest association building in Maine, except that in Bangor, he giving the entire sum needed for its erection, except \$5,000 given by the late Charles E. Moody.



*C. B. Moos*







*Edward J. Lawrence*



His religious affiliations are with the Congregational denomination, of which church, in Bath, he has been a member for some years, and is one of the corporate members of the American Board of Commissioners for Foreign Missions.

In 1860 Mr. Moses united in marriage with Susan T. Crowell, of Charlestown, Mass., who died in 1882, and in 1884 he married Emma Hall McIlwain.

Although never having actively entered into politics, he is a Democrat, and a fearless exponent of the principles of that party. He is a business man of the highest integrity and signal ability, rich in experience, large-hearted, and faithful in all his relations.

Such are the qualities which have placed Mr. Moses in the proud position he occupies among the leading citizens of the state.

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### EDWARD JONES LAWRENCE.

**J**AMES LAWRENCE, the grandfather of the subject of this sketch, was born in Barnstable County, Mass., in 1752, and removed to Fairfield, Maine, of which town he was one of the first settlers. He bought a farm, and by skill and industry brought up and educated a large family. Jame Lawrence, son of James and Meribah Lawrence, was born in Fairfield, and married Anna, daughter of Timothy Lander. He had thirteen children, and being in moderate circumstances was able to do very little towards giving them a start in life. The farming industry at that time in the state of Maine found a poor market for its products, and the most that a farmer could expect was a bare living.

Edward Jones Lawrence, son of James and Anna (Lander) Lawrence, was born in Fairfield, January 1, 1833. After attending the public schools of his native town, he was hired as a boy by Benjamin Jones, a neighboring farmer, and remained with him six months, receiving at the end of that time ten dollars for his services in addition to his board. With this money he bought a barrel of flour for his father, which was by no means an insignificant contribution to the relief of the wants of the family. He continued to work as a hired hand on various farms in Fairfield and its vicinity until he was eighteen years of age, when he was employed as clerk in the store of Wing & Bates in Gardiner, Maine, where he remained two years. He then returned home and after attending school again a short time resumed his place in the store of Wing & Bates, continuing with them in Gardiner two years. At the end of that time his employers bought a saw-mill in Fairfield, in which they did a large lumber manufacturing business, and, in connection with it, opened a store. Mr. Lawrence was sent by them to run the store and keep the books of the mill.

The firm carrying on the mill at Somerset Mills, as that part of Fairfield was called, consisted of Wing & Bates and William M. Clark, who at the time of the purchase of the property became a member. They were lumbermen and merchants. and their business was that of buying logs and sawing and shipping lumber. At the end of five years Mr. Bates died and Mr. Clark sold his one-third interest to Mr. Lawrence and his brother, George Washington Lawrence. This purchase included one-third of the water-power, one third of the mills and one-third of the entire business of the firm. Soon after a division of the property of the firm was made, and the firm of E. J. & G. W. Lawrence was established entirely distinct from the old firm. After some years the firm of Wing & Bates failed, and the Lawrence Brothers bought the whole property. Their operations continued successful until 1872, when the mills at Shawmut, as Somerset Mills had come to be called, were burned. The mills were



partially insured, and in a few weeks were again in running order, larger, more extensive and complete than before.

The growing business of the firm soon demanded, and the capacity of their plant fully justified, an investment in timber lands, which would insure them at all times an abundant supply of logs, and in 1868 they bought one-half of Pierce Pond Town for twenty thousand dollars, thus making an investment which over-prudent business men prophesied would be disastrous. It was justified, however, by a profit of forty thousand dollars. The purchase of the Lowell Township followed, and later of the town of Holeb, together with a steam saw-mill at Pittson, Maine. In the latter purchase H. P. Closson, of Fairfield, and Mr. Putnam, of Danvers, Mass., were associated with the firm.

After a connection of sixteen years, the Lawrence Brothers separated, owing to the ill health of George W., who sold his interest to G. A. and C. M. Phillips, of Waterville, Me., and the new firm was known as Lawrence, Phillips & Company. At the end of a year the firm was dissolved, and the property divided, Lawrence, Phillips & Company becoming the owners of the timber land, and Putnam & Closson the owners of the Pittston mill. A few years later Mr. Lawrence sold one-half of his interest in the firm to George H. Newhall, who remained in the firm until his death four years afterwards. After the death of Mr. Newhall, his widow and Albert B. Page bought the interest of G. A. and C. M. Phillips, as well as the Shawmut Fibre Company, Mr. Lawrence owning one-half, and the new firm became Lawrence, Newhall & Company. That firm still continues, and is doing the largest lumbering business on the Kennebec. It owns what is considered the best lumber plant in Maine, consisting of two fully-equipped mills, with all modern improvements, planing-mills, steam dry-kiln, twenty tenement houses, a store and hotel, and about seventy-five acres of land, making up a large part of the village of Shawmut, in the town of Fairfield. Besides the mill plant, the firm owns about one hundred thousand acres of timber land, on which about three hundred and fifty men are employed during the winter getting out lumber. About one hundred and seventy-five men are employed in the mills. The Shawmut Fibre Company, above referred to, was organized about eight years ago, with Mr. Lawrence as president, and the late ex-Governor Alexander H. Rice and Arthur T. Lyman, of Boston, among the directors. It was engaged in the manufacture of wood-pulp, until it was burned down and the company was dissolved.

Mr. Lawrence has devoted himself closely to business, and been wholly disinclined to the acceptance of public office. Though a Democrat in politics, and living in a strongly Republican town, he served his town in the legislature in 1878 and 1879, and would be gladly awarded further honors by his fellow-citizens were he willing to accept them. In connection with the business, to which he has given his life, he is the president of the New England Lumber Association, which has its headquarters in Boston.

Mr. Lawrence married, first, in 1859, Sarah Gerrish, of Portland, who was the mother of a son dying at the age of two years, and second, in 1869, Anne M. Shaw, of Carmel, Me., who has been the mother of three daughters, one of whom is deceased.

The above record sufficiently indicated the traits of character possessed by Mr. Lawrence without a reference to them in detail. By their legitimate and untrammelled exercise he has pursued an unobstructed career of prosperity, until the boy of twelve, who spent his first earnings in buying flour to relieve the necessities of his father's family, has become one of the most enterprising and wealthy representatives of that great industry, which has distinguished his native state.



*Emory O. Bean*



## EMERY OLIVER BEAN.

**T**HE Bean family, to which the subject of this sketch belongs, is descended from a Scotch ancestor, who came to New England before 1650. Joshua Bean, the fourth in descent from the ancestor, was born in Brentwood, New Hampshire, in 1741, and married Mary Bean. He removed to Hallowell, Maine, in 1780, and to Readfield, Maine, in 1784, where he died in 1814. Elisha Bean, son of Joshua, was born in Brentwood, September, 10, 1764, and married Oliver Shepard, of Epping, N. H., May 16, 1785. His son Oliver, born in Readfield, November 15, 1797, married Patience Nickerson, of Chatham, Mass., and thus became connected with a family having Pilgrim blood in its veins. Patience (Nickerson) Bean died in February, 1869, and in June of the same year the death of her husband, Oliver, occurred.

Emery Oliver Bean, son of Oliver and Patience Bean, was born in Readfield, Maine, September 10, 1819. He was educated in the public schools of his native town, at Maine Wesleyan Seminary, Kent's Hill, in Readfield, and at Monmouth Academy. Reading law in the office of Timothy O. Howe, of Readfield, he was admitted to the Kennebec Bar in 1843. For the first year after his admission he was associated with Henry Warren Paine, who was admitted to the Kennebec Bar in 1834, and was then settled in Hallowell with a large and lucrative practice. There could have been no association more fortunate for a young man just beginning his professional career. Few lawyers in Maine have held a higher position than that attained by Mr. Paine through his knowledge of the principles of law, and the possession of those mental qualities which enabled him to successfully apply them. It is well known that he could have had a seat on the bench of the Supreme Judicial Court of Maine had he been willing to accept it. He removed to Massachusetts in 1854, and as a member of the Suffolk bar, he stood in the front rank, and, as in Maine an appointment to the Supreme Judicial Court bench was always within his reach.

In 1845 Mr. Bean returned to Readfield, his native place, and entered into a business co-partnership with his former instructor, Timothy O. Howe, which continued until 1848, when Mr. Howe removed to the West. After this he practiced his profession alone in Readfield until 1876, when his son, Fred. Emery Bean, having been admitted to the bar, became his partner, and remained associated with him in business in Readfield until 1878, when the son removed to Hallowell, and father and son have since had offices in Readfield and Hallowell, and have pursued their legal business under the firm-name of Bean & Bean.

There could be no better legal school than the Kennebec bar. Its standard, both before the separation of Maine from Massachusetts in 1820, and since, has always been high. Samuel Sumner Wilde, from 1799 to 1815 a practitioner in Hallowell; Peleg Sprague, from the time of his admission to the bar of Plymouth county, in 1815, in active practice at Augusta and Hallowell until 1835; John Gardiner, of Gardiner, educated in the law at the Inner Temple, in London, and admitted to practice as a barrister in Westminster Hall; Frederick Allen, of Gardiner; Timothy Boutelle, of Waterville; Henry W. Paine, of Hallowell; George Evans, of Gardiner; James W. Bradbury, of Augusta; Lot M. Morrill, of Readfield, and Richard Hampton Vose, of Augusta, with Mr. Bean, and many others, have been gladiators in the arena of the Kennebec bar, in contests with whom, only the fittest could survive.



For a full half century Mr. Bean has continued his professional practice in his native town. The records and dockets of the courts will afford the best evidence of the amount of legal business done by him and his firm. Probably a greater number of law students have pursued their studies in his Readfield office, under his direction, than under any living practitioner in the county.

A lawyer at Kennebec bar, with a reputation for ability, could not expect to entirely resist the temptation constantly besetting him to enter the political field. Mr. Bean has been no exception to the rule. In the days when a man was either a Whig or a Democrat, and services in the ranks of either party, meant a patriotic devotion with an eye single to the best interests of the country, Mr. Bean was a Whig, and in later times has been a Democrat. He was a representative to the state legislature in 1851, and a member of the Senate in 1856. In 1879, he was appointed by Governor Garcelon a trustee of the Maine State College of Agriculture and Mechanical Arts, for a term of seven years.

In 1880 he was elected judge of the Probate Court and Court of Insolvency as a Democrat, in a county with a Republican majority of from two to three thousand. He remained on the bench four years, administering the affairs of the court over which he presided with eminent ability and with a courtesy especially desirable in dealing with widows and other persons acting as administrators or trustees little familiar with official methods and forms.

In religious affiliations, Judge Bean, like his father before him, is a Universalist, and in his treatment of his fellows, his judgment and charity are in accord with those which he believes will prevail in the future condition of man.

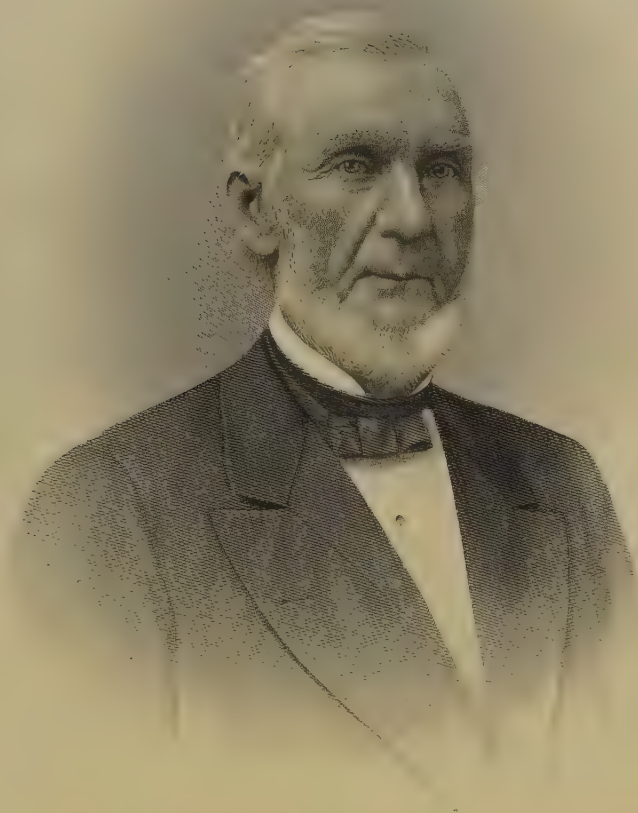
Judge Bean married October 8, 1844, Elizabeth Hunton, daughter of Col. John O. Craig, of Readfield; she deceased January 22, 1892. His second marriage was June 28, 1896, with Mrs. Georgia C. Nickerson, widow of H. Owen Nickerson, and daughter of the late James Packard, of Readfield. He has two sons, Nelson Shepard, born July 18, 1845, who is engaged in business in Boston, and Fred Emery, born May 14, 1853, who, as has been mentioned, is practicing law in Hallowell.



## HENRY F. EATON.

**H**ENRY FRANKLIN EATON, fourth son of Jonas and Mary (Corey) Eaton, was born in Groton, Mass., November 22, 1812. He was a descendant of the sixth generation in direct line from Jonas Eaton, who came from England with Grace, his wife, to Reading, Mass., in 1642. Mr. Eaton's childhood was passed in his native place with the usual surroundings of a good country home of those days. His educational opportunities were only those of the common school; meagre as these must have been, young Eaton so improved them that he became himself a school-master of no mean attainments, and had from his youth the bearing of an educated gentleman. With a fine musical taste and an excellent voice, Mr. Eaton enjoyed music, and for many years instructed and led the church choir where he worshipped. He married Miss Anna Louisa Boardman in Calais in 1842. Mrs. Eaton died just one week before his decease. A true and loving husband, a kind and considerate father, home was to him the best place, and he did his full share to make it such.

Mr. Eaton, at the age of twenty-one, came to the St. Croix and, making his home in Milltown, N. B., engaged at once in the lumber business, going himself into



*Henry F. Eaton.*



the woods and learning the details of the business by putting his own hands to the work, thus gaining an insight and comprehension of great value in after years, perhaps never acquired if not secured in early life and by actual experience. His business career included a partnership in the firm of John McAdam & Co., afterward in the firm in which his brother, Joseph E., was also a partner of Henry F. Eaton & Company, the latter firm taking one-third interest in the firm of James Murchie & Company. After a number of years in which he carried on his successful business alone, he became the senior partner in the firm of Henry F. Eaton & Sons, and so continued to the end of his life.

While none of the various concerns in which Mr. Eaton had a share were other than successful, the larger portion of his large means was acquired in the years when he had no partners in business. Making no large sums by accident or freak of fortune, Mr. Eaton's gains were not the result of chance or luck, but were the sequence of wise and economical enterprise and industry. His success was constant and continuous. During his business life of over sixty years there was no one year, with the possible exception of the year of the great fire in Calais, by which he lost heavily, in which he did not make a gain. In business Mr. Eaton exhibited the rare combination of an efficient man of affairs with a good accountant, and his large interests, both in hauling, manufacturing and shipping, and the complicated accounts required, were kept well in hand and under his own supervision. Enterprising, but not reckless; confident, but not sanguine; just, but not exacting; tenacious, but not domineering, he "kept the even tenor of his way," ever gaining friends, but making no enemies. The business of the St. Croix has been singularly free from friction between employers and their help; between them has obtained a regard active and mutual. In no case has this been more marked than between the subject of this sketch and those whom he employed. Many of his men were with him a long time. Kind and considerate to all, in all his intercourse with his men, it is not known that he ever said anything that could hurt the feelings of any. Kindly in spirit, genial in manner, he well deserved the name of friend.

Timber lands were to him a favorite investment, and he secured large and valuable tracts in Maine and New Brunswick. An interested owner and manager of vessels, and in a measure successful, his ventures, in navigation were, on the whole, extensive rather than profitable.

In person Mr. Eaton was above the average stature, erect and well proportioned. So finely moulded that weight and measure told of more of a manly man than was suggested to the eye. An admirer of nature, of poetic temperament, and reverent spirit, a religious faith was a vital part of such a man. At the early age of thirteen he made confession of his faith and united with the Congregational Church in Groton. He became a member of the First Orthodox Congregational Church in Saint Stephen, located in Milltown, at its organization in 1846, and was chosen a deacon in 1873, and continued in office until his death. To this church he was a liberal contributor, and in every way a staunch supporter. His presence and help in social and other meetings could always be counted upon. Though he moved to Calais in 1889, and lived there the rest of his days, his connection with the church he helped to establish was never broken, nor his contributions withheld. With him faith was so real, he was so satisfied with the great truths of revelation, that he had almost a contempt for the discussions of minor points which trouble minds of a different constitution. He apparently believed easily; he did believe unwaveringly. Unsoiled by the temptations of youth or the trials of a busy life, neither argument nor ridicule, gain nor pleasure, could swerve him from the right, nor tempt him to



dishonor his profession. Never seeking place or honor, retiring rather than obtrusive, he was yet a good example, and one eminently safe to follow. Always a republican, never a partisan, though he lived so long out of the country he retained his citizenship, and kept a lively interest in all that concerned his native land.

Vigorous and active to more than fourscore years, this honored man, who had no enemies to forgive, whose early friends had preceded him "to that bourne whence no traveler returns," after an illness of three suffering weeks, died in Calais, March 21st, 1895, aged eighty-two years, three months, and twenty-seven days.

### JAMES MURCHIE.

**J**AMES MURCHIE, SR., of the firm of James Murchie & Sons, of Calais, Me., was born in Saint Stephen, N. B., August 16, 1813, of Scottish descent, his father, Andrew Murchie, came from Paisley, Scotland, about the year 1784, his mother, Janet Campbell, was a native of New Brunswick, and a daughter of Colin Campbell. Andrew Murchie was among the first Loyalist founders of the Saint Stephen district, just across the river; then known as the Settlement of Quoddy, and now the thriving Town of Saint Stephen; the handsome Methodist church of that town occupies part of the original lot of land granted to Andrew Murchie.

James Murchie received a common school education, and lived on his father's farm until 1836, when he married Miss M. A. Grimmer, daughter of John Grimmer, afterwards collector of customs for the Port of Saint Stephen. At this time, Mr. Murchie went on a farm for himself, on which he lived for eighteen years, cultivating his farm in summer, and cutting and hauling logs in winter. At that time, a permit to cut timber on the Crown lands of the Province of New Brunswick could be purchased for a small sum per square mile, and Mr. Murchie soon became the largest single operator in the woods in winter, selling his logs to the mill-owners. Those were eighteen years of steady, prudent, earnest labor, both on the farm and in the forest, and at their close he found himself in possession of \$20,000. With this capital he began the manufacture of lumber, and opened at the same time a general retail store. During those years, however, he held many important local positions, he was justice of the peace and also a captain in the militia. In 1853, the year he started the manufacture of lumber, he had a family of ten children, the boys then, as they are to-day, were all "workers." The oldest, John G., learned the art of navigation, and when his father purchased his first vessel, he became her captain, though only twenty years old. In 1862, the bark, "Bessie Simpson," was built by Mr. Murchie, and the oldest son transferred to the command of her, James S., the third son, going with him, who in a few years himself sailed as captain of the bark "Mary Rideout."

As the business increased, the sons, one by one, became members of the firm with their father. W. A., about 1862, and later John G. and James S., left the sea to become partners with their father, and thus was established the firm of James Murchie & Sons, now one of the most extensive lumber concerns in the state of Maine. In the Dominion of Canada they have mills at Benton, Deer Lake, Edmunston and Frederickton; beside their mills in Calais, they also own a large mill at Princeton, Maine, for the manufacture of orange boxes for the Florida and Sicily markets, and will ship from this mill, during the present season, four cargoes, or about one million of boxes to Sicily having contracts booked for that amount. They are large owners of timber lands, both in Maine, New Brunswick and Quebec, and own valuable real estate in Brooklyn, New York.



*James Murdie*



Mr. Murchie was one of the original eight stockholders of the New Brunswick and Canada Railway (now under lease to the Canadian Pacific Railway), whose guarantee was \$800,000 to build the road, and the difficulties he encountered and overcome in the carrying out of this work would make no inconsiderable sketch alone. He conducted a law suit in connection with the road over a disputed sale of rails in New Haven and got a verdict for his company for \$16,000. The verdict was appealed to the Supreme Court, but Mr. Murchie worked so well in the interest of his suit that the Supreme Court raised the award to \$20,000.

His hand is seen in many ways along the Saint Croix river and its surroundings. He built the church at Old Ridge, New Brunswick, got it out of debt, and it is to-day in good running order. The beautiful little Gothic church in Milltown, N. B., where the Congregational Society meet, and where Mr. Murchie worships, is largely of his planning, and his time was placed at the disposal of the congregation during its erection. The gigantic cotton-mill (the second largest in Canada) within sight of his own beautiful home in Milltown, N. B., is another monument to his untiring energy and iron will.

There are few positions of honor or trust in the state or the neighboring province but Mr. Murchie has occupied, with honor to himself and to the benefit of every office and institution that he has been connected with. He is president of the N. B. and Canada Railway, trustee for the St. Croix and Penobscot R. R., in Maine, president of the Saint Croix Cotton Mills Co., director of the Saint Stephen Bank, president of the Frontier Steamboat Co., president of the St. Croix Lloyd's Insurance Co., director of the Calais Tug Boat Co.; he also aided in organizing the Calais Shoe Factory and is a leading stockholder in it. Yet with all this he successfully conducted one of the largest industries in eastern Maine.

He was elected in 1874 a member of the Legislature of New Brunswick, as a supporter of a free non-sectarian school system. The following is his card to the electors, and shows how freely he spoke, and how keenly he felt on the question:

"TO THE ELECTORS OF CHARLOTTE COUNTY:

"*Gentlemen*.—Having been selected by a Convention of Delegates from the Free Non-Sectarian School Party in the Western parishes, I have consented to become a candidate for a seat "to serve you in the Local Legislature at the coming General Election.

"Should you honor me with your support and confidence, I shall legislate honestly and "independently for all, to the best of my ability.

"I am in favor of Free Non-Sectarian Schools, and believe that all the property of the "country should contribute to educate the children, and that it is the only true principle that "insures an education to the poor man's child.

"The present school law is good in principle. I think that some of the details might be "improved, but it should be done by the friends of the law. I shall support the present Govern- "ment in all the measures that I think are for the benefit of the County and Province in general. "I will legislate for improvements that will build up our country and tend to keep our popula- "lation at home, and to encourage immigration to our Province, and if elected, I will serve you "to the best of my ability.

"I remain Gentlemen,

"Your Obedient Servant,  
"May 23rd, 1874.

(Signed) JAMES MURCHIE."

The system of free non-sectarian schools was passed, is in force to-day, and has worked well in the county to the present time. An endeavor to repeal the wild-land tax was made for years by several members, but always failed. Mr. Murchie was given charge of the bill, and succeeded in having it passed. He remained a member of the legislature until 1878.



Mr. Murchie has always looked after the interests of Calais and St. Stephen, and was always active to resent any attempt to injure them. An example of this was when some years ago an endeavor was made by Col. Greene and others to obtain a charter for a railroad bridge for the Shore Line Railroad to cross the St. Croix river below the docks; this would have obstructed the navigation of the river, and have been a serious blow to the business interests of both towns. An attempt was made to lobby this bill through Parliament, and the services of Mr. Welden, of St. John, and other influential men had been secured to effect this. Mr. Murchie went to Ottawa, and, by his frank business appeal, defeated the able advocates of the charter and saved a large amount of money for the property-owners of Calais and St. Stephen.

During all these years he has been well seconded by his sons, who all show the same business capacity as their father, and are all respected citizens. The eldest, John G., was mayor of the city of Calais for several successive terms, and the fourth son, George A., is the present mayor, and is serving his fifth term as such. (It may be mentioned as a remarkable fact, that the town of Saint Stephen, across the river, has a Murchie for mayor, a brother's son of Mr. James Murchie.) W. A., the second son, has general charge of the large correspondence of the firm, but finds time to fill the office of treasurer of the Calais Tug Boat Company, director of the Calais Shoe Factory, director of the New Brunswick and Canada Railroad, director of the Frontier Steamboat Company, vice-consul for Brazil and the Argentine Republic, etc. James S. has control of the shipping business of the concern, and is very popular for his shrewdness and fairness in business. Henry S. has charge of the books of the concern, is paymaster, and has an excellent business capacity. Frank C., the youngest son, has charge of the mills at Fredericton, N. B. He is clever, a splendid athlete and a great favorite in his social surroundings.

The daughters of Mr. Murchie are all married, and exert a wide social influence. While the firm of James Murchie & Sons have been very successful, yet few have had more serious losses. They lost heavily as endorsers of paper for firms who failed, a large milling property of Maguadavic, N. B., in which they were interested was a complete loss by fire, they also lost their mills at Benton by fire. During a conflagration in Saint Stephen, their wharves and a large quantity of lumber was destroyed, and in the great fire in Calais their loss of property amounted to \$50,000. Have lost many vessels, lost their mills at Calais more than once by fire, but the energy of Mr. Murchie, aided by the business capacity of his sons, have overcome every obstacle and placed the firm in the high position they occupy to-day.

With a family of thirteen, it would hardly be expected that all the young men would stay at home, and so we find two of Mr. Murchie's sons—Charles F. and Horace B.—established as very successful lumber commission merchants at 82 Wall Street, New York, and they usually spend their summer vacation with their wives and children, at the home of their father in Milltown, N. B. And Mr. Murchie may be seen betimes sitting with his great-grandchild on his knee, while his son and grandson are standing by.

In any sketch of a life such as James Murchie's, it is but the salient points that can be presented; but the kind deed, the pleasant word, the sound practical advice and the many little things that go to make up and round off such a life are all unknown, except to those who have his personal friendship, and are prized by them far beyond the tinsel honors on which the world puts so much store.

Mr. Murchie's first wife died in 1857; and in 1860 he was united in marriage with Margaret Thorpe, daughter of Jackson Thorpe, of Saint George, New Brunswick, by whom he had three children. She died in 1872.



*E. C. Gates*



## EPHRAIM C. GATES.

**E**PHRAIM C. GATES was born in Hubbardston, Mass., in 1817. His early education was limited to the common school, with the exception of two terms at the Washington Academy, in Machias, Maine. He was the son of Salmon Gates, who was, in the early days, one of the leading men of Calais. He came first, in 1807, and moved his family here in 1823, and during the rest of his life did business at Milltown, which, in his time, was the principal part of the town. Ephraim C. commenced lumbering and manufacturing and dealing in lumber in 1840, and continued in that business, in Calais, from that time, enlarging and extending his operations till 1889, when he sold out his mills, timber lands, and everything pertaining to that business in his locality, to H. F. Eaton & Sons, and retired from all participation in it in January of this year.

G. M. Wentworth, his brother-in-law, now of Providence, R. I., was his partner in the firm of Gates & Wentworth, thirty-five years, from 1847 to 1882. Mr. Wentworth was an upright, faithful man in business, a good citizen, and is held in high esteem by all the people. But Mr. Gates was the moving and controlling spirit in the large and extensive operations carried on during the half century of his active life here. The success achieved was due to the intelligent and skillful organization of the business and the energetic spirit he infused into it. He was wise enough to believe that the surest road to success was the pursuit of one legitimate business with assiduous attention, and he had sufficient discretion and self-control to act consistently upon that belief. Therefore all extensions of his business were in the line of lumbering and dealing in lumber, and the purchase of real estate related to that business.

In 1865 Mr. Gates bought a lumber-yard and lands connected with it at Mott Haven, N. Y., which proved to be a fortunate venture, and has enriched him beyond his anticipations. Mr. Gates manufactured and sold the first cargo of spruce-lumber that was ever landed on the east side of Harlem river, at Mott Haven, and continued to sell to the same yard for sixteen years, when he bought the property and established his son, Church E. Gates, there the year after he left the service in the Civil War. A very prosperous and constantly increasing trade in lumber has been carried on at that place under the name of Church E. Gates & Company ever since the purchase, in which Mr. Gates was associated with his son as partner until the death of the latter, since which event he has continued it alone until March, 1889, when he formed a new partnership, consisting of himself, his two-sons-in-law, Henry H. Barnard and Bradley L. Eaton, late of Calais, with John F. Steeves, of Mott Haven, who, in a long term of service, has won his esteem and confidence. The new firm, under the old name, pursue the same business enlarged and extended. In the fall of 1889 Mr. Gates removed to Harlem, N. Y. city, where he resides permanently, returning to his old homestead in Calais for the summer months.

No man of all the many who have done business on the St. Croix, and have been employers in his time, can count a greater number among his employees who have, while in his service, achieved the ownership of the homes that sheltered them. He has been helpful to them by his counsel and advice in all their efforts to help themselves, and in their needs has not denied them material aid. His charities have been bestowed without the sound of trumpet, and not grudgingly. No organization, association or party has been incited, at his instance, to laud him and to



sound his praises. Nothing of the kind has been managed or manipulated with a view to make reputation for him. He has never sought to invoke such influences. Yet few men retire, either by the gate of death, or by voluntary withdrawal from so prolonged a career of activity, leaving behind more of the good will among those who have been drawn about him or associated with him in his affairs.

### WILLIAM HENRY CLIFFORD.

**T**HE state of Maine, while it was a district of Massachusetts, and since its organization in 1820 as a state, has from Revolutionary days to the present time, been distinguished for its eminent practitioners in the law. Considering the extent of its population, no state has furnished so many lawyers of repute, and of thorough professional knowledge and skill. The list is too long to furnish in detail, but without reference to the living, such names among the dead may be mentioned as those of Renel Williams, Ezekiel Whitman, Ether Shepley, Wm. Pitt Preble, Lot M. Morrill, Edward Kent, Wm. Pitt Fessenden, Nathan Clifford, John Appleton, Charles S. Davies, John Holmes, Samuel Fessenden, John Gardiner, Samuel A. Bradley, James Bridge and Nathan Cleaves. Of those now on the stage few have had a more thorough preparation for a professional career than the subject of this sketch. By inheritance, by education and experience at the bar, he has acquired those traits of mind and temperament which are necessary qualifications for a successful legal career.

William Henry Clifford is descended from George Clifford, who came to New England with his wife, Elizabeth, and a son, John, in 1644, and after a short residence in Boston settled in Hampton. John Clifford, son of George and Elizabeth Clifford, was born in England in 1614. He married, first, a wife named Sarah, and second, September 28, 1658, Mrs. Elizabeth Richardson, and third, February 6, 1672, Mrs. Bridget, widow of John Huggins, and died October 17, 1694. John Clifford, son of John and Sarah Clifford, married, August 18, 1670, Sarah, daughter of Deacon William Godfrey, and lived in Hampton. Israel Clifford, son of John and Sarah (Godfrey) Clifford, married, March 15, 1680, Ann Smith, and had a son Isaac, born May 24, 1696, who married Sarah Healey, and after removing from Hampton to Kingston, N. H., and thence to Chester, N. H., finally settled in Rumney, N. H. Nathaniel Clifford, son of Isaac and Sarah (Healey) Clifford, married Ruth Garland, of Candia, N. H., and had Nathan, who married Lydia Simpson, of Greenland, N. H., and had seven children.

Nathan Clifford, son of Nathan and Lydia (Simpson) Clifford, was the father of the subject of this sketch. He was born in Rumney August 18, 1803, and after his admission to the bar settled in Newfield, Me., but removed to Portland in 1850. He held many responsible offices, among which was that of associate justice of the United States Supreme Court, to which he was appointed by President Buchanan in 1858. He married Hannah Ayer, and died in Cornish, Me., July 21, 1881. Further allusion to the record of Justice Clifford is unnecessary here, as a full sketch of him may be found elsewhere in this work.

The Clifford family is traced back to the Conquest, and is identified with many events in English history. It still exists and holds titles in England. The family of Hannah Ayer, the wife of Justice Clifford, is descended from Henry Ayer, who came to New England about 1666, and settled in Haverhill, Mass. Elisha, one of the descendants of Henry Ayer, removed to Saco, Me., and thence to Newfield,



*William Henry Clifford*



where he owned large tracts of land, and from him came Hannah Ayer above mentioned.

William Henry Clifford, the third son of Nathan and Hannah (Ayer) Clifford, was born in Newfield, Me., August 11, 1839. While a lad his father was appointed special commissioner at the close of the Mexican War to negotiate a treaty with Mexico, and he accompanied him, remaining in that country during the subsequent service of his father as minister plenipotentiary.

During his residence in Mexico his education was conducted under the eye of his father, and he acquired a knowledge of the Spanish and French languages, which has been of no inconsiderable service to him in the practice of his profession. Returning to Maine with his father, who then took up his residence in Portland, he fitted for college under Professor Woods in the North Yarmouth Academy, and graduated at Dartmouth College in 1858. After leaving college he entered as a student the law office of Judge George F. Shepley, of Portland, and, after completing his studies in the office of Benjamin R. Curtis, of Boston, was admitted in Boston to the Suffolk county bar in 1861. He began practice in Boston, but removed to Portland in 1862, and was admitted to practice in the courts of Maine. After practicing alone until 1873, his brother, Charles E. Clifford, became associated with him under the firm-name of Clifford & Clifford. He was appointed United States Commissioner of the United States Circuit for the District of Maine, and continued in office nine years. He began early in his career to devote himself largely to the trial of patent causes, and in pursuing this department of practice, he has been a familiar figure in the various circuits of St. Louis, Chicago, New York and Boston, as well as Maine, in all of which he has acquired and maintained a high and deserved reputation. He is the author of four volumes of "Clifford's Reports" for the New England Circuit, ending with the year 1876. He is now in practice in Portland, having associated with himself his son, Nathan, and is engaged in the management of cases both in the Federal and state courts.

Mr. Clifford, brought up as he was, under Democratic instruction, early exhibited an interest in state and Federal politics, and has taken prominent position in the Democratic party in Maine, and has entered earnestly into its battles for many years. He has been several times nominated for Congress, and several times declined a nomination. In a republican district, in campaigns against Burleigh first and Reed afterwards, it was necessary to make the democratic nomination the strongest possible, and though consenting to serve as a forlorn hope, his support was in the highest degree complimentary. He served as the Maine member of the Democratic National Committee in President Cleveland's second campaign.

Mr. Clifford married in August, 1866, Ellen Greeley, daughter of Hon. John B. Brown, of Portland, and his living children are Nathan, above mentioned as his partner in business, Matilda Greeley, William Henry, Jr., and Philip Greeley.



## HENRY ST. JOHN SMITH.

**T**HE earliest known ancestor of the family to which the subject of this sketch belonged was George Smith, of Willoughby, in Lancashire, England, whose family for two hundred years had lived at Old Haugh, in the county of Chester. Another George Smith, supposed to have been a grandson of the first, came to Boston in the earliest days of the Massachusetts colony. He afterwards removed to "Smith's Isles," now the "Isles of Shoals," and from thence to Dover, N. H., where in 1640, the year before the government of that independent town was extinguished by its annexation to the Massachusetts colony, he was recorder and town clerk. Samuel Smith, the younger son of the last-mentioned George, was a member of the Council of New Hampshire, after its erection into a royal province in 1679, and died in 1760. Joseph Smith, son of Samuel, had a son Winthrop, who was the father of Ezra, the grandfather of St. John, and the great-grandfather of the subject of this sketch.

Henry St. John Smith was the son of St. John and Susan (Hopkins) Smith, and was born in Portland, Me., March 20, 1852. His father was a prosperous merchant in Portland, and gave his son such an education as the best institutions of New England could furnish. He fitted for college at Philips Academy, Exeter, and graduated at Harvard in the class of 1872. Soon after his graduation he entered the Harvard Law School, and, as a student at law, the office of Hon. William L. Putnam, of Portland, and was admitted to the bar in that city in 1879.

Mr. Smith did not, however, engage in the practice of law, but enriched and broadened the intellectual resources already acquired by extensive foreign travel and study. Especially he gratified his strong predilection for history by important researches and lectures in the University of Berlin. What varied gratification his large and accurate knowledge of the world must have given to those who enjoyed his hospitality, may be imagined. Only his more intimate friends could duly appreciate the simple modesty of his character, the unconsciousness of personal possessions in his spontaneous recognition of other minds.

Mr. Smith married in Portland, September 21, 1882, Ellen Archer, daughter of Samuel Archer and Ellen (White) Erdith, of Windham, Maine, and had children: Margaret Erdith, born Oct. 10, 1884; Helen, born May 25, 1888, and Henry St. John, born June 2, 1891. His house, the central object in a noble landscape, was not only the abode of domestic peace and love; it was also in structure and arrangement, in books and objects of art, the expression of his refined tastes, and liking for rural retirement and quiet culture. If a single word were to be taken to set forth the personality of Mr. Smith, it might be the word "gentleman," in the high and genuine sense of a man of good birth and education, claiming no privileges he would not accord to the most humble, affectionate at home, faithful to every trust, believing in the brotherhood of man, and valuing wealth as the means of giving effective and graceful expression to kindness of heart and uprightness of life.

Mr. Smith had no taste for political life and never sought office. He acted with the Republican party in an unassuming and independent way and quietly kept up the interest of his family in the Unitarian Church.

Mr. Smith entered into partnership with Mr. Rufus H. Hinkley and Mr. George H. Richardson, and with them succeeded to the business of the banking firm of Swan



Henry Joseph Smith





*Eugene W. Whitcomb*





& Barrett in his native city. In the midst of a successful career characterized by intelligence, ability and integrity, he died at his home in Cape Elizabeth, Maine, Oct. 3, 1896. There is no more precious memorial of his life than the blessing bestowed by his quiet charities on the poor and suffering among his fellow-men.

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## EUGENE W. WHITEHOUSE.

**D**ANIEL WHITEHOUSE, the great-grandfather of Eugene Willoughby Whitehouse, the subject of this sketch, was descended from Thomas Whitehouse, who settled in Dover, N. H., in 1658. Daniel was a resident of Sommersworth, N. H., and, as a young man, served, under Colonel Poor, in the War of the Revolution. In about the year 1805, he, with his wife, Martha, removed from Sommersworth to Berwick, Me.; and again, when well advanced in years, he removed to the town of Vassalboro, Me., where his sons were already established among the early settlers and most respected and prosperous farmers of that place.

One of his sons, Edmund, married Hannah Worth, and occupied a grand old hill-top farm, where, amidst those natural surroundings which aid so materially in developing the sturdy, typical New England character, was born his son, Edmund Whitehouse, the second, who married Betsey Smart White, daughter of Aaron and Mary White, and followed the occupation of a farmer.

Eugene Willoughby Whitehouse, son of Edmund, the second, and Betsey Whitehouse, was born at Vassalboro, July 9, 1839.

His mother was a woman of unusual intelligence and rare force of character. She early recognized and encouraged in her son an inherent desire for knowledge, and he, by the exercise of an indomitable will and untiring zeal, soon supplemented his common-school education by a self-earned course of study at Oak Grove and the Maine Wesleyan Seminary.

Scarcely were these studies completed and Mr. Whitehouse become of age when the War of the Rebellion broke out, and in 1861 he enlisted in the First Massachusetts Cavalry Regiment, commanded by Colonel Robert Williams. In South Carolina, Florida and with the Army of the Potomac he gave three years of uninterrupted service, returning home only upon the expiration of his term in 1864.

Having chosen law as a profession, Mr. Whitehouse entered, as a student, the office of Judge Artemas Libby, of Augusta, Me., completing his studies at the Yale Law School.

In September, 1867, he married Miss Mary L. Brown, daughter of Daniel Brown, of Malone, N. Y., and in March, 1868, was admitted to the Kennebec County Bar, at Augusta, Me., where he opened an office and took up a permanent residence.

The Kennebec County Bar at that time furnished an arena in which a new aspirant for honors could only succeed by the exhibition of sound legal attainments and untiring industry. Mr. Whitehouse possessed these characteristics in an eminent degree, and, though practicing alone, dependent entirely on his own efforts, unaided by the prestige and business of a partner already established in his profession, he soon won a place in the front rank, where there is always room for the deserving worker.

Mr. Whitehouse had no partner until 1892, when C. L. Tanner became associated with him. In 1893 William H. Fisher took the place of Mr. Tanner. The business of the firm is a general one, both civil and criminal, and from morning till

night their offices present a busy scene, from which the senior partner is only able to retire long after the ordinary working day is over.

As executor, administrator and trustee his services have been confidently sought in the settlement and management of estates, and when these duties are continuous few are more exhaustive.

Immersed as he has been in the cares and labors of his profession, Mr. Whitehouse has felt little desire for public office. Neither the honors of political life nor the emoluments of corporate offices, far from commensurate with their responsibilities, have allured him from the path of law. He has consented to hold only such few positions outside of his profession as have been required by a due consistency with the duties of good citizenship.

Thus far a fortunate condition of mental and physical strength has enabled him to perform without ill effects the perplexing labors of his profession, his only recreation being, in season, an early, daily turn about his extensive apple orchards and an occasional visit to the fishing brooks and picturesque ponds of his native town.

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### EUGENE FRANCIS SANGER.

**E**UGENE FRANCIS SANGER, born October 18, 1829, was the oldest son of Zebulon and Charlotte Wayne Sanger, and the second of four children. On his mother's side he was remotely connected with the Revolutionary general, Anthony Wayne. Prepared for college at Waterville Academy, he entered Waterville College in 1845, and graduated at Dartmouth College, class of 1849. He taught school the fall and winter of 1850 in Lawrence Washington's family at Blenheim, Westmoreland county, Virginia. The old brick house was the manor house of the old Washington plantation. On this plantation, in view of the sparkling waters of the Potomac, General George Washington was born, and there remained at the time of Dr. Sanger's residence there the dilapidated chimney of the old homestead and a broken-down tomb, still containing some Washington bones. February 22, 1851, the children and cousins of Lawrence Washington, including George and Mary Washington by name, commemorated the day by planting a fig-tree at the foot of this crumbling and silent memorial of an eventful day. In October, 1895, the New Bedford Post of the G. A. R. memorialized the organization of the first Massachusetts post by planting a tree on the New Bedford Common, taken from this very spot, and Comrade Sanger was chosen a committee of the Hannibal Hamlin Post, of Bangor, to represent the latter post. Lawrence Washington owned many slaves, was a strong pro-slavery man, and hated William H. Seward's free-soil principles with a relish.

Dr. Sanger commenced the study of medicine with Dr. N. R. Boutelle, of Waterville, and graduated at Jefferson Medical College, Philadelphia, March 9, 1853. Shortly after graduating he was appointed assistant surgeon of the United States Marine Hospital at Chelsea, Mass., and in the same fall was appointed assistant physician and surgeon at the Charity Hospital and the various charitable institutions on Blackwell's Island, New York. After serving in the medical department of these institutions, including the Insane Asylum, he was appointed assistant physician in the Children's Hospital on Randall's Island. He declined this flattering appointment, however, and went to Europe instead, where he pursued his professional studies and inquiries in the hospitals of Edinburgh, London and Paris.



Eugene F. Sanger





In May, 1855, he settled in general practice at Ellsworth, Maine, where he remained a short time, and then removed to Bangor, his present residence. December 9, 1857, he was married to Emily Fay Pond, of Ellsworth, by whom he had three children, Mary Charlotte, Sabin Pond and Eugene Boutelle Sanger.

At the breaking out of the war in 1861, colonels of regiments appointed and the governor commissioned the surgeons. Soon the Secretary of War issued orders to have all surgeons subjected to a competitive examination. One of the militia surgeons in full dress appeared with twenty-five others, and his examination was a total failure. Following him came Dr. Sanger, a small and wiry gentleman, with none of the martial bearing of those about him. After examination one of the board was heard to say, "Brains *vs.* Beef." Suffice it to say, Surgeon Sanger got his choice of commissions in the Sixth Maine Regiment. His regiment arrived in Washington, and proceeded to Chain Bridge the day before Bull Run. Although it did not participate in the battle, it was stationed on the outskirts, ready for any emergency, and to guard the approaches to Washington.

Surgeon Sanger continued to serve with his regiment and on General Hancock's brigade staff during the fall and winter of 1861 and 1862, marching and counter-marching on Virginia soil from Louinsville to Falls Church and watching the Quaker guns of Bull Run during McClellan's reorganization of the Army of the Potomac.

In November, 1861, he was examined by the regular army board and commissioned by Abraham Lincoln, brigade surgeon, having passed the examination third out of thirty-three candidates to fill nine vacancies. The doctor continued to act with the Sixth Maine regiment and on General Hancock's staff until the following April. In April, 1862, he was ordered to report to General Butler at Ship Island, and was assigned to General Phelps' staff. He took part in the siege and capture of Forts Jackson and Phillip and the surrender of New Orleans.

Surgeon Sanger was made medical purveyor of the Department of the Gulf and surgeon in charge of St. James' General Hospital. This position was both trying and laborious. As purveyor he had to furnish all the medical supplies for the troops from Ship Island to Vicksburg, and as surgeon of St. James' Hospital attended to all of the injured and wounded received at that hospital, which at that time was the only hospital of the department.

After the battle of Baton Rouge, our command being hard pressed, the sick, wounded and dying were rushed aboard transports and hurried to New Orleans, where Medical Director Bache and Hospital Surgeon Sanger had to provide for some fifteen hundred, besides being occupied night and day operating upon the wounded.

General Banks superseded General Butler the last of 1862. In January, 1863, Surgeon Sanger was assigned to duty on General T. W. Sherman's staff as medical director of the defenses of New Orleans. The command extended from the breast-works at Carrollton to the fortifications on the lakes and the mouth of the river. To look after the sanitary condition and the hospitals of such a command required an efficient and experienced officer. A knotty question arose about the 1st of May. Rumors were afloat of yellow fever. One of the professors of the New Orleans Medical School had reported a case. Here was a case for the medical director to show his pluck and judgment. The professor pronounced it a bona fide case which would settle the question of "expelling from the city the doctors who were registered enemies of the Union." Without hesitation, Medical Director Sanger visited the case, reversed the decision of the professor, and, with the assistance of Assistant-Surgeon G. M. Sternberg, now surgeon-general of the United States Army, in an

elaborate report, recommended the expulsion of those doctors who had "registered themselves as enemies of the Union."

When General Banks took the field for the capture of Port Hudson and the opening of the Mississippi, Surgeon Sanger was made chief surgeon of the Second Division, Nineteenth Army Corps, on General Sherman's staff. He was with General Sherman when he received a wound which resulted in the loss of a leg. He continued on duty during the forty days' investment, and brought the sick and wounded to New York after the surrender of Port Hudson. In the Teche campaign Surgeon Sanger was made chief surgeon of the Third Division of the Nineteenth Army Corps on General Grover's staff. When the Nineteenth Army Corps was reorganized for the famous Red River campaign, January, 1864, Dr. Sanger was made medical director of the corps on General Franklin's staff, and was with General Franklin when he was shot in the leg, and when the judge-advocate lost both feet. The doctor participated in all of the skirmishes and battles, spending the subsequent nights in operating upon the wounded, ready to join the advancing or retreating column with every change. After the battle of Pleasant Hill, he discovered at dawn that our forces had retreated during the early part of the night. Appointing an assistant to remain with the large number of wounded, and promising to come back again, the doctor mounted a cavalry horse in pursuit. He overtook the head of the column nearly forty miles away. Securing an ambulance of supplies and an escort of a corporal and six privates, the next evening he crossed the enemy's picket line under fire, and, eluding the pursuit of the enemy under the cover of darkness, appeared back at his hospital, forty miles distant, the next morning. It was like an apparition to the deserted wounded. Meeting General Kirby Smith's medical director, Dr. Vandell, of Louisville, the two surgeons completed the unfinished surgical work.

Surgeon Sanger having collected letters from the captured soldiers to their families at home, and as dark approached, he announced his intention of returning. Surgeon Vandell replied, "They will certainly shoot you." Notwithstanding, the doctor retraced his steps through the rebel army, and found himself near the Union picket-line the next morning.

Surgeon Sanger excelled in the excision of joints, and the resection of bones. Dr. Culbertson, in his prize essay on the excision of the larger joints of the extremities, notices at length some of Dr. Sanger's sections of the elbow joint. A lawyer from the west, Captain A. J. Barkley, on the Red river expedition, from whom Dr. Sanger excised the shoulder joint on the march, writes that he had a perfectly useful arm and hand.

August 6th Surgeon Sanger was assigned to duty at Elmira, N. Y., in medical charge of the barracks for Confederate prisoners, to the number of nine to ten thousand, where he remained until the latter part of December, when he, at his own request, was relieved by the surgeon-general of the United States army, because he found it impossible to do justice to the sick prisoners, on account of the military interference with the hygienic, dietetic and professional management of so large a number of prisoners herded together in an ill-selected enclosure.

The post consisted of a rendezvous for recruits, the collection of army horses, and barracks for Confederate prisoners, guarded by a brigade of home guards. The post was under the command of a colonel of a colored regiment, from which he was detached to command this post. The prison-barracks, surrounded by high palisades, was, unfortunately, located on low ground, with a sluggish and marshy pool of water, thoroughly impregnated with poisonous animal decomposition, coursing

through it. The colonel commanding lived in the city, leaving to subordinate officers, quartered inside of the barracks, the general control of the feeding and policing, while the colonel himself seldom put in an appearance. The Confederates were kept on the prison ration, without sugar, coffee or vegetables, except a ration of dessicated vegetables once a week.

The necessity of proper drainage, policing of quarters, and constructing of hospital wards were early pointed out to Colonel Tracy, citing the deplorable results to health and life of his neglect to co-operate with the surgeon in charge, without accomplishing anything more than engaging in a voluminous correspondence, and the curtailment of the surgeon's prerogatives. The hospital fund created by the surgeon for the purpose of procuring anti-scorbutic food, such as milk, eggs, potatoes, onions and cabbage was denied him only through dilatory and tedious requisitions.

The surgeon reported an alarming increase of scurvy cases, the lack of hospital room, insufficiently protected against cold, and a fearful mortality. He reported the loss of hundreds of lives and health sacrificed to military interference and neglect to respond to the surgeon's demands. There were three hundred and eighty-five deaths in September, and the cases of scurvy rapidly increased to two thousand. In a little more than nine months two thousand nine hundred and thirty-three died, and two thousand seven hundred and fifty-five invalids were sent to their southern homes to languish and die, out of an aggregate twelve thousand one hundred and twenty-one captured in battle and sent to Elmira prison.

Senator Hill, of Georgia, fearfully scored the treatment of Confederate prisoners at Elmira in the United States Senate, and compared it to Andersonville. Surgeon Sanger disclaims any responsibility in the case, as he was foiled in every effort to ameliorate the condition of the poor prisoners and reduce the mortality, which shows as large a ratio as in any epidemic of yellow-fever visiting this country.

After Elmira, Surgeon Sanger reported to General Hooker, and was made medical director of the District of Michigan, and surgeon-in-charge of Harper's and St. Mary's Hospitals in Detroit. Subsequently he reported to General Thomas, at Nashville, and was assigned to duty at Knoxville and Chattanooga as medical director of the district of East Tennessee, where he remained, looking after the hospitals of Knoxville and Lookout Mountain until mustered out of the service September, 1865. He was breveted lieutenant-colonel for meritorious service.

Returning home to Bangor, he commenced the practice of his profession in October, 1865, and has continued in Bangor ever since. In 1868 he was made examining surgeon of the Pension Bureau, and held the position twenty years or more. He was made surgeon-general of the state under Governor Chamberlain's administration, and served seven years as surgeon of Second regiment State Militia. He was a member of the common council of 1870 and 1871, and president of the Maine Medical Association in 1876. He is an honorary member of the Detroit Academy of Medicine and the Baltimore Medical and Surgical Society, a member of the County, State and National Medical Association, a member of the G. A. R. and the Loyal Legion, and also of the P. B. K. of the Dartmouth College Chapter.

Dr. Sanger is reputed to have had the largest surgical practice of any surgeon east of Portland. He has contributed numerous papers to medical journals and to the "Transactions of the Maine Medical Association." Among the topics treated by him are the "Resection of Joints," "Abscesses of the Lungs," "Laparotomy," "Malpractice," etc. The last-named paper in pamphlet form was widely circulated. Before the time of hospitals in Maine, and when the railroad service was limited and scanty, it was no uncommon thing for the doctor to ride all of a winter's night



to a single surgical case. The doctor was appalled at nothing in surgery—from the removal of cataracts, resection of bones, amputations, tracheotomies, laparotomies, aneurisms, stone in bladder, to the correction of all kinds of deformities. Notably, on one occasion, in twelve hours, between seven P.M. and seven A.M., he made sixty miles by car and sixty with horse, and removed a pailful of pus from a patient's chest. On another case of trephining, between four P.M. and six A.M., he rode ninety-two miles in the cold of November.

He married, for a second wife, Mary R. Treat, November 19, 1890, granddaughter of Major Treat, a Revolutionary officer. His son, Eugene Bontelle Sanger, named for himself and for the physician he studied with, graduated at Yale University (Class of 1891) and at the College of Physicians and Surgeons, New York, (Class of 1894). For the next two years he was house-physician of St. Francis Hospital; assistant-surgeon of Hudson Street Branch of New York Hospital and house-physician of New York Lying-in Hospital. He is now actively associated with his father in the practice of the profession.

### WILLIAM W. THOMAS.

**W**ILLIAM WIDGERY THOMAS, for three-quarters of a century merchant, banker, and real-estate owner, and long a leading figure in the commercial life of the city, was born in Portland, November 7, 1803, son of Elias and Elizabeth (Widgery) Thomas. He was a direct descendant in the eighth generation from George Cleeve, the first settler of Portland, and includes in his ancestry the Rev. George Burroughs, the first minister in Falmouth, and a graduate of Harvard College, and John Proctor, both of whom were hung for witchcraft by the people of Salem. His father, Elias Thomas, born in Portland January 14, 1772, was engaged from early life in mercantile pursuits in Portland, was director of the Cumberland Bank, and for seven years, from 1823, was treasurer of the state of Maine. He died in Portland after a long, honorable and useful life, at his home, corner of State and Danforth streets, August 3rd, 1872, aged one hundred years and six months; Thomas Block, in Commercial street, Portland, was named in his honor. Mr. Thomas' mother, Elizabeth Widgery, daughter of the Hon. William Widgery, was married to Elias Thomas in 1801, and died in Portland in July, 1861, greatly beloved and respected, at the age of eighty-three years. Hon. William Widgery was a prominent man of his time. He was chosen in 1787 the representative from New Gloucester, Maine, to the General Court of Massachusetts, which office he held by virtue of repeated elections for eight years; was in 1794 elected senator to the legislature of the state of Massachusetts from Cumberland county, and in 1810 was chosen representative to congress from the Cumberland district and earnestly supported the administration of President Madison, casting his vote in favor of commencing hostilities against Great Britain in 1812, though against the wishes of his constituents.

It is said of him in this connection, by a gentleman writing to a friend in Portland: "Mr. Widgery was in Congress a moral hero, proving himself a man of moral firmness, unbending integrity and self-sacrificing patriotism, by taking on himself the memorable position and dangerous responsibility of voting against the expressed will of his constituents for an unequal and hazardous war, with the best part of his wealth (his shipping) on the ocean uninsured, while his town property, just recover-



W. M. Thomas



ing from the desolation of the embargo, worse than the war for the infant seaport, must become unproductive, furnishing his declining years with a precarious support, while he would have to buffet the storm of popular indignation—which he did." Widgery Block, in Exchange street, Portland, was named in honor of his memory, and stands on the site of his former residence. At an early age William Widgery Thomas became a clerk in a dry-goods store in Portland, and when only eighteen years old, in 1822, went into the business for himself in that city. From this business he retired in 1835 after a successful career, and thereafter was actively engaged in various pursuits as merchant, banker, and real-estate owner up to the time of his death. He was for many years one of the largest real-estate owners in Portland, and to him the city is indebted for many of the substantial business buildings which adorn its streets.

Mr. Thomas was married March 5, 1835, to Elizabeth White Goddard, born in Portsmouth, N. H., May 25, 1812, daughter of Henry Goddard, for many years a merchant in Portland. Mrs. Thomas died in Portland April 27, 1884, lamented by all who knew her for her many virtues.

Three sons survived Mr. Thomas: Henry Goddard Thomas, general in the United States Army (since this sketch was written General Thomas has died, his death taking place at Oklahoma January 23, 1897, two months after his father's decease); William Widgery Thomas, Jr., minister to Sweden and Norway; and Elias Thomas, one of the leading merchants of Portland.

Mr. Thomas was elected a director of the Canal Bank of Portland, then a state bank, in October, 1836, and in 1849 became its president, to which position he was chosen by annual elections to the time of his death, therefore, serving as a director of the bank sixty years, and president for forty-seven years. He represented the city of Portland in the state legislature as a member of the House in 1855 and of the Senate in 1856, and in 1860 he was elected state treasurer, but declined to serve. In 1876 he was elected presidential elector at large, and at the meeting of the state electors in Augusta was chosen president of the electoral college of Maine; he voted in favor of the election of Mr. Hayes. Mr. Thomas has served in both branches of the city government, and is perhaps best known as the first "War Mayor" of Portland, 1861-2. In that executive office he was very active in his support of the Federal authority, and in caring for the soldiers and their families. He was a personal friend of Edwin M. Stanton, Lincoln's famous war-secretary, and subsequently named a business building on Exchange street "Stanton Block" in his honor. Mr. Thomas was for twenty years one of the Board of Overseers of Bowdoin College, and for more than thirty years a corporate member of the American Board of Commissioners of Foreign Missions, both of which offices he resigned on account of increasing years. He was one of the managers of the Portland Benevolent Society for over thirty years, and president for more than twenty years. In 1827 Mr. Thomas, with Neal Dow, W. D. Little and others, organized the Portland Temperance Society. He was always an earnest supporter of the cause of temperance, and never used intoxicating drinks or tobacco in any form during his long life. He became a member of the Second Parish Congregational Church, of Portland, Dr. Payson, pastor, in 1827, and at the time of his death was its oldest member. For seventy-five years Mr. Thomas took an active and prominent part in the business life of his native city. He was at the date of his decease the oldest merchant and banker and the most venerable and respected citizen of Portland. In the course of his long business career he accumulated an ample fortune, and he acquired every dollar of it by fair, open and honorable dealing. He was also ever a cheerful giver. As his fortune increased, so also



did his benefactions. Many are the institutions that have been helped, and many the homes that have been brightened by the largess of his hand and the benediction of his heart. So true are the words of ancient Scripture, "The hoary head is a crown of glory if it be found in the way of righteousness."

November 21st, 1897, Mr. Thomas passed peacefully away, after an illness of one week, surrounded by his family—his life, like an arch, having nearly spanned the century.

His activities of mind continued unabated to the end. He attended to his business affairs up to the day of his death. Even though in his ninety-third year he was daily to be seen at the bank, and on his birthday received friends with hearty cordiality. Just two weeks later, this reunion was followed by the gathering of those who came to pay the final tribute of respect to one whose life and character had made him an example to be revered by old and young.

Funeral services were held at the Payson Memorial Church. The banks throughout the city were closed and the flags upon the public buildings placed at half mast. Among the pall-bearers were the speaker of the National House of Representatives, the governor of the state and the mayor of the city. A large concourse of his fellow-citizens testified by their presence to the unusual esteem in which Mr. Thomas was held.

Of him it is well said, "To attain to the great age of four-score years and ten is rare; to reach that age vigorous in mind and body is vouchsafed to few mortals. The Hon. W. W. Thomas had passed that age, with eye undimmed and natural force almost unabated. His stalwart form and majestic presence showed few signs of the decrepitude that comes with declining years. His mind was active and acute, and to the very moment of his death he took a lively interest in the things of this world. His taking off is like the sudden removal of a giant oak, which for scores of years has been a familiar landmark. For three-quarters of a century he has been a conspicuous figure in his native city. For a great part of that time he was a leader in the business, political and religious life of the town, and he always led in the right direction. Strength and ruggedness were the conspicuous features of his character. His principles were firmly fixed, and compromise with, or indulgence to, what he believed to be wrong was abhorrent to his nature. Of course to such a man ostentation was intolerable. He lived simply throughout his whole life. Great wealth never tempted him into vulgar or garish display. The aim of his life was to be useful, to be helpful, to set an example of correct living, to leave the world better for his having been in it. To him were given great opportunities and great talents, and he used them in such a way as to win the veneration of his contemporaries and to leave behind him a memory that shall ever be an inspiration to noble living."



*Wm. B. Lewis.*



## HENRY B. CLEAVES.

**T**HE subject of this sketch is descended from Benjamin Cleaves, of Rowley, Mass., who removed to Bridgton, Maine. He is the son of Thomas and Sophia (Bradstreet) Cleaves, and was born in Bridgton, Cumberland county, Maine, February 6, 1840.

Thomas Cleaves, a man of great energy and the strictest integrity, occupied an influential position in the community in which he lived. His wife Sophia was the daughter of Daniel Bradstreet, who in the early days of Bridgton came to that town from Rowley. Thomas and Sophia (Bradstreet) Cleaves had five children, Robert A., Nathan, Thomas P., Henry B., and Mary S., who married William W. Mason. Nathan Cleaves graduated at Bowdoin College in 1858, and for nearly thirty years was an active and prominent lawyer in Portland, where he died September 5, 1892. He was judge of Probate and Insolvency several years, and occupied other prominent positions, and at the time of his death was the senior member of the law firm of Nathan and Henry B. Cleaves. Henry B. Cleaves received his education at the North Bridgton and Lewiston Falls Academies, and in September, 1862, enlisted as a private in the Twenty-third Maine Regiment of Infantry, under the command of Col. William Wirt Virgin, and was made orderly sergeant of Company B. The regiment was recruited for nine months' service, and was mustered out in July, 1863. He again enlisted December 29, 1863, in the Thirtieth Maine Regiment for three years, or during the war, under General Francis Fessenden, and was made first lieutenant of Company F., serving, however, a part of the time afterwards as commander of Company E., whose officers had been either killed or disabled in action. His regiment was assigned to the Department of the Gulf, and under General Banks participated in the battles of Red River, Sabine Cross Roads, Pleasant Hill and Cane River. In August, 1864, the regiment was attached to the Army of the Potomac, and transferred with Sheridan to Shenandoah Valley. After the surrender of Lee, it was again sent to the Department of the Gulf and stationed at Savannah, and finally mustered out August 20, 1895. Mr. Cleaves participated in all the movements of the regiment to which he was attached during his two terms of service, and had the offer of a commission in the regular army, which he declined.

After his discharge he returned to Bridgton, and subsequently entered, as a student, the law office of Howard & Cleaves, a firm composed of Joseph Howard and Nathan Cleaves, and was admitted to practice in the courts of Maine, in September, 1868. He began practice in Bath, Maine, in partnership with Washington Gilbert, and in 1869 removed to Portland, where he became a partner in the firm of Howard & Cleaves. His partners, who had been his instructors in the law, with the best opportunities of discovering his ability, selected him as an associate in the management of their large and lucrative business. Judge Howard died in 1877, and after that time Mr. Cleaves continued in business with his brother until the death of the latter in 1892, and since that time with Stephen C. Perry, who was admitted to the firm on the death of Mr. Howard, in 1877.

In 1876 and 1877 Mr. Cleaves was a representative to the legislature from Portland, and served as chairman of the judiciary committee. In 1877 he was chosen city solicitor of that city, and served two years. In 1880 he was chosen attorney-general, and was afterwards twice re-chosen, serving five years. The reputation he had acquired in his private practice, and as attorney-general in the trial of about twenty murder cases and important tax suits against railroad companies, superadded



to a patriotic war record, by which his name became a familiar one among his army comrades, made him a conspicuous candidate for further political promotion. In June, 1892, at the close of the second term of Hon. Edward Chick Burleigh in the executive chair, he was nominated by acclamation as the Republican candidate for governor, and chosen in September of that year. In 1894, he was elected to a second term by nearly forty thousand majority. Having once entered the political field, and having met, in that arena, the highest expectations of his party, it is not too much to expect, that even among the many distinguished men, whose long roll is an honor to the Pine Tree state, he may be selected for still further and more honorable promotion.

Thoroughly identified with Maine and its people, it is not believed that he will be allured beyond her borders as so many of his professional brethren before him have been. The bar of Massachusetts has made large drafts on that of her sister state to sustain its reputation. Peleg Sprague, Samuel Sumner Wilde, Simon Greenleaf, Henry W. Paine, Peleg Whitman Chandler, Theophilus Parsons Chandler, Jonathan Palmer Rogers, Henry Weld Fuller and Frederick Hunt Allen, and others too numerous to mention, some of whom, to be sure, were natives of Massachusetts, were all practitioners in Maine and removed to Boston to add ability and strength to its already distinguished bar. But the days of easy intercommunication and of telegraphs and telephones have checked the progress of centralization which had long been going on, and now ability in the law, wherever it may be found, whether in Maine or Massachusetts or Illinois or elsewhere, is recognized, and its service sought in the more important causes with which our courts have to deal, or which are to be settled by the unseen methods of office consultation. It cannot be doubted that Mr. Cleaves will remain in the field where he has won his reputation, and where his ability and skill cannot fail to reap their reward.

Aside from the occupation of his professional and political life, Governor Cleaves is connected with various financial institutions in whose management his judgment and counsel have been eminently beneficial. He is a director in the Union Mutual Life Insurance Company, the National Bank of Portland, and the Burzell National Bank of Ellsworth, and a trustee in the Westbrook Trust Company of Westbrook.

On the retirement of Governor Cleaves from the executive chair, in January, 1897, he was presented by the members of his council with an elegant ivory gavel, by the officials of the state government with a French clock of superior workmanship and great value, by his military staff with a solid silver loving cup, and by the employees of the state-house with a Rogers Group. All who participated in the ceremonies expressed in warm terms the respect they entertained for him personally, and the admiration they entertained of the manner in which he had performed his executive duties. The legislature joined in expressing its approval of the administration of Governor Cleaves by the passage of the following resolution:—

“HOUSE OF REPRESENTATIVES, January 7, 1897.

“Voicing the sentiment of the people and press of Maine, the House of Representatives desires to place on record its recognition of the distinguished services rendered by the retiring governor: therefore,

“Resolved, That we extend to Hon. Henry B. Cleaves, who has guided the Ship of State for four years, our recognition of his honorable service. Faithful to every trust, diligent in the performance of all public duties, devoted to the interests of the whole State, he has met every emergency and given to the people of Maine an upright, honest and dignified administration.

“He has been the governor of all; the doors of the executive chamber have always been open to every citizen of the State, and the humblest has never been turned away without a patient and respectful hearing.

“He retires from the high office he has so ably and faithfully filled with the confidence, respect and affection of the whole people.”

## CHAPTER CVIII.

### CONSTITUTIONAL HISTORY OF VERMONT.

BY JOHN W. ROWELL, LL. D.

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THE history of the government of Vermont prior to the adoption of the Constitution is involved in much obscurity. The first settlement in the state, made in the southeasterly part in 1724, was under a Massachusetts grant. That province claimed, and to some extent exercised, jurisdiction as far north as a line drawn from Windsor to Rutland. But New Hampshire disputed her claim in this regard, and finally, in 1740, the King in Council decided in favor of New Hampshire, and established the boundary between those provinces about where the line now is between Vermont and Massachusetts. This nullified the express language of the charter of Massachusetts, and extended the jurisdiction of New Hampshire farther south than she had ever claimed it; for at that time there was little question but that the king could change the boundaries of his colonies at pleasure. By the settlement of this boundary, as well as by other acts of the British government, it was understood that the jurisdiction of New Hampshire was extended as far west as Massachusetts had claimed and exercised jurisdiction, namely, to a line twenty miles east of the Hudson river. But New York claimed that by certain letters patent from Charles II. to his brother, the Duke of York, afterwards James II., the eastern boundary of that province was the west bank of the Connecticut river, and so notified Governor Wentworth on April 9, 1750, in response to a letter of his the November before, inquiring about the matter.

Thus early began the controversy between New Hampshire and New York concerning the jurisdiction of the territory now comprising the state of Vermont. But New Hampshire maintained and exercised jurisdiction over the territory until 1764, when New York, not wishing longer to rely on the patents to the Duke of York, applied to the crown for a confirmation of her claim, and on July 20th of that year, obtained an order from the King in Council, declaring the western bank of the Connecticut river, from where it entered the province of Massachusetts Bay, as far north as the forty-fifth degree of north latitude, to be the boundary line between the two provinces of New Hampshire and New York. Up to this time the governor of New Hampshire had chartered one hundred and thirty-eight towns west of said river, many of which had been settled to some extent, spreading the population over considerable territory. The settlers were greatly surprised at this order but not alarmed, for they regarded it as merely extending the jurisdiction of New York over their territory in future, to which they were willing to submit. They had no thought that it would affect the title of their lands, which had been granted under the authority of the crown, and purchased and paid for by them. Although the governor of New

Hampshire remonstrated against this change of jurisdiction, he finally abandoned the contest, and issued a proclamation, recommending to the proprietors and settlers due obedience to the authority and laws of New York. But the government of that province gave a different construction to that order, and contended that it had a retrospective operation as well as a prospective, and decided not only what should thereafter be the eastern boundary of that province, but what had always been its eastern boundary, and that therefore the grants made by the governor of New Hampshire west of the Connecticut were void.

In accordance with this claim, it proceeded to extend its jurisdiction over the Grants, and divided the territory into four counties, and established courts of justice in each. The settlers were called upon to surrender their charters, and to purchase their lands anew under grants from New York, which most of them, and especially those on the west side of the Green Mountains, refused to do. Thereupon, New York began to make grants of their lands to others, who brought actions of ejectment thereon, returnable before the courts in Albany. These the settlers undertook to defend under the New Hampshire charters; but as the courts refused to admit in evidence duly certified copies of the royal commission to Governor Wentworth, and of the grants made in pursuance thereof, they were without defence, and judgments passed against the defendants in all the cases, and writs of possession issued, and were put into the hands of the sheriff of Albany county for service. This was in June, 1770. Thereupon a convention of the people on the west side of the mountains met at Bennington, and "resolved to support their rights and property under the New Hampshire grants, against the usurpation and unjust claims of the governor and council of New York, by force, as law and justice were denied them." This may be said to be the commencement of the creative period of the Constitution. Each town, by its charter, had the right of self-government; but there was no bond of union among the towns nor the inhabitants, save what resulted from common wants and common dangers. Now, however, by reason of the uncommon danger that had come upon them, the settlers were very generally united upon a determined resistance to the civil officers of New York, and so conducted themselves in that behalf that some of them were indicted as rioters. The officers sent to arrest them were seized by the people, and severely chastised with "*twigs of the wilderness.*" To give greater effect to this resistance, town meetings were held, a military association was formed, committees of safety were appointed, whose duty it was to protect the settlers against the New York claimants. These committees afterwards met in general convention from time to time as occasion required, to consult upon and adopt means for common protection. Remonstrating with the governor of New York, addressing the people, passing decrees forbidding the exercise of authority and the acceptance of grants under New York, and ordering the application of the *beach seal* as a terror to evil-doers, appear to have constituted the scope of their authority. Thus, at one of these conventions in 1771, it was resolved to permit no officer from New York to carry any person out of the Grants without permission from the Committee of Safety or the military commanders; and surveyors of land under New York were forbidden to run any lines within the Grants under penalty of punishment "according to the judgment of a court formed among the elders of the people or military commanders." At another, held in March, 1774, an address to the public was issued, giving a clear statement of the grounds of their opposition to New York, and declaring their purpose to maintain their possessions, and to protect at all hazards those among them who had been proscribed by the New York acts of outlawry, and to punish with death whoever should attempt to capture them.



Up to the time of the Westminster massacre in March, 1775, characterized by Ira Allen as a "horrid scene," the opposition to the claims of New York had been principally confined to the inhabitants on the west side of the mountains. Many of the New Hampshire grantees in the vicinity of the Connecticut river had surrendered their original charters and taken new grants under New York, and had not only quietly submitted to the jurisdiction of that colony, but were unconcerned about the controversy in which the settlers on the west side were engaged. But that massacre aroused the whole county of Cumberland; and as if to increase the opposition in that quarter, the principal persons engaged in it, and who had been committed to jail in Northampton, were released by the chief justice of New York. Thereupon, on April 11, 1775, at a meeting of the committees, appointed by a large body of the inhabitants on the east side, it was resolved to wholly renounce and resist the administration of the government of New York till such time as the lives and property of the inhabitants should be secured by it, or until such time as they could have opportunity to lay their grievances before His Most Gracious Majesty in Council, together with a proper remonstrance against the unjust conduct of the government, with an humble petition to be taken out of so oppressive a jurisdiction, and either annexed to some other government or erected and incorporated into a new one. This is the last expression of loyalty to the king by any representative body in the state.

It is impossible to tell what would have come of this controversy had its progress not been stayed by the commencement of the Revolution. The events of the memorable 19th of April, 1775, shook the whole colonial fabric, and "local and provincial controversies were at once swallowed up by the novelty, the grandeur, and the importance of the contest thus opened between Great Britain and America." The commencement of the war at this period led to a train of causes intimately connected with the final independence of Vermont. The attention of New York was thereby suddenly diverted from the controversy with the Grants to the more important controversy with the mother country, and the final result of the former was thereby postponed. Profiting by this delay, the settlers proceeded to cultivate a more perfect union among themselves, and to better organize their strength. The condition of their western frontier exposed them to attacks by the enemy, and therefore their own safety, as well as their strong sympathy with the United Colonies, led them to take an early part in the common cause. But they were determined, even in that cause, to have no immediate connection with New York, and therefore, on January 17, 1776, at a delegate convention of the inhabitants of the west side then in session at Dorset, they voted to present their peculiar case to the Continental Congress by remonstrance and petition, and appointed a committee to prepare the same, and delegates to present it to Congress. A petition was accordingly drawn and presented to the convention and "agreed to by the whole house." It set forth in strong and comprehensive language, a history of the controversy with New York; said that the settlers were, and had been ever since the capture of Ticonderoga, entirely willing to do all in their power in the general cause under the Continental Congress, but were not willing to put themselves under the Provincial Congress of New York in such a manner as might in future be detrimental to them in the determination of the dispute then subsisting between them and certain claimants under that province, and asked that they might be permitted to do duty in the Continental service as inhabitants of the New Hampshire Grants, and not as inhabitants of the province of New York, nor subject to the limitations, restrictions, nor regulations of the militia of said province, and that commissions be granted accordingly. On presentation of this petition to Congress, it recommended to the petitioners to submit, for the present, to



the government of New York, and to contribute their assistance with their countrymen to the contest with Great Britain, and said that such submission ought not to prejudice their rights to the lands in controversy, nor be construed as admitting the jurisdiction of New York, and allowed a withdrawal of the petition, which was done.

On June 24, 1776, James Breckenridge, Simeon Hathaway, and Elijah Dewey, a "Committee Appointed," warned the several inhabitants of the Grants on the west side of the mountains, and desired those on the east side, to meet by their several delegates in General Convention to be held at the dwelling-house of Mr. Cephas Kent, innholder, in Dorset, on July 24th then next, at 8 o'clock in the forenoon, for the purpose, among other things, of ascertaining the minds of the convention relative to associating with the province of New Hampshire, and if that was objected to, whether the convention would agree to an association (not repugnant to that of the Continental Congress) and subscribe thereto, to do duty in conjunction with the Continental troops (only) as members of the district of land which they inhabited. The convention refused to associate with New Hampshire, but resolved, with only one dissenting vote, to make application to the inhabitants of the Grants to form the same into a separate district, and thereupon, the better to convince the public of their readiness to join in the common defence of the liberties of America, they published and subscribed an "Association," whereby they voluntarily and solemnly engaged under all the ties held sacred amongst mankind, at the risk of their lives and fortunes, to defend by arms the United American States against the hostile attempts of the British fleets and armies until the unhappy controversy between the two countries should be settled. They recommended to the several inhabitants of the Grants who were friends to those liberties that they subscribe said "Association," and return the same to the clerk of the convention as soon as might be, and resolved that any inhabitants of the Grants who should in future subscribe and return an association to any committee of safety for either of the counties in the province of New York, or to the Provincial Congress thereof, otherwise than the "Association" subscribed by the delegates of the convention, should be deemed enemies to the common cause of the Grants; and they appointed a Committee of Appeals, consisting of nine members, to hear and determine such matters as might be properly exhibited to it in writing by any of the inhabitants of the Grants relative to the cause of American liberty by way of proper appeal from the judgment of either of the committees of safety on said Grants.

These, says Mr. Walton, in the first volume of Governor and Council, were the first formal proceedings in convention for the evident purpose of severing the connection of eastern Vermont with New York, and of uniting the eastern and western towns in a common league for prosecuting the war for national independence. A common league meant common action, and necessarily implied, ultimately, a supervisory and an executive body of some sort, having jurisdiction over the whole territory.

The convention adjourned on the 25th of July, to meet again at the same place on the 25th of September then next. In the meantime, and on August 6th, Heman Allen, Jonas Fay, and William Marsh, delegates of the convention and members of a committee chosen by it to treat with the inhabitants of the Grants on the east side of the mountains relative to their associating with that body, attended a joint meeting of the Committee of Safety of Cumberland and Gloucester counties, held at Windsor. Of their work there and the results, B. H. Hall gives a succinct account in his *Eastern Vermont*. He says that various papers were read by them bearing upon the subject of a separate jurisdiction; that the boundaries of the proposed new

state were described, and the approbation of the committees sought to the projects of the Dorset Convention. In support of the proposed measures, Mr. Allen told Mr. James Clay, chairman of the Cumberland county committee, that he had consulted with several members of the Continental Congress, who had recommended to him and his coadjutors to ascertain the feelings of the people concerning the formation of a new state; and he reminded him that if the inhabitants of the Grants should accede to the form of government that would soon be adopted by New York, they would have no opportunity to withdraw therefrom at a future day. For the purpose of ascertaining the views of the inhabitants of the east side, those of each town were invited to assemble in town meeting, and express their opinion as to the course they deemed it best to take. In Rockingham, on the 26th of August, the inhabitants voted "to associate with the inhabitants of that district of land commonly called and known by the name of the New Hampshire Grants." They also chose two delegates to attend the convention to be held at Dorset in September, and instructed them "to use their best influence" to obtain the passage of such resolves as would tend to establish the Grants as a separate and independent state. At "the fullest meeting ever known in Chester," held on September 2d, similar measures were adopted, and the "Association" of the Dorset Convention was signed by forty-two of the inhabitants. A like spirit pervaded many of the other towns in the two counties; but in some there were two parties, and in a few, as in Halifax, where they voted not to send a delegate "to meet the Green Mountain Boys," no disposition was shown to be released from the jurisdiction of New York. But the prevailing sentiment was favorable to a peaceable revolt, if a revolt should be declared necessary for the well-being of the people.

The result of this treaty was such, that at the adjourned session of the convention on September 25th, ten eastern towns were represented, not including Townshend, which was represented at the first session, and was the first eastern town that was represented in a general convention. Thirty-six towns were represented by fifty-six delegates, among whom were many of the prominent men of the Grants, including Col. Thomas Chittenden, Lieut. Ira Allen, Col. Moses Robinson, Capt. Joseph Bowker, who presided, and Dr. Jonas Fay, who was clerk. Col. Seth Warner and Capt. Heman Allen were also there, but not, it would seem, in the capacity of delegates; but that their presence was deemed important is seen from the fact that the meeting of the convention in January, 1776, was postponed from the first Wednesday till the 16th of the month, "as it was thought very necessary that Col. Seth Warner, with others, should attend the said meeting, and their business being such that they could not attend at that time." The records and proceedings of the conventions of January and July, 1776, were read, "to give light to those Gentlemen Delegates from the East side of the Green Mountains in particular and the whole in general;" and it was voted to make a general list of the names of those of the inhabitants of the several towns on the Grants who had signed the "General Association" voted by the last convention to be signed. The convention then took up for consideration the vote passed in July concerning the formation of a separate district. A committee was appointed to report a "plan for further proceedings," and reported that a covenant or compact ought to be entered into by the members of the convention, for themselves and their constituents, to be governed and regulated by such rules as might be agreed on by the majority, to regulate the militia; to furnish troops according to their ability for the defence of the "Liberties of the United States of America;" to return the number of the inhabitants of the district to the Continental Congress, and at all times to be governed by their Councils; to elect a number of men to wait on the Continental Congress with such petitions as should be

agreed upon by the convention; to make suitable provisions that the whole of the inhabitants on the Grants on each side of the mountains be notified and have proper opportunity to join and coincide with the measures taken, and to be thereafter taken, for the benefit of forming said district into a separate state. As the troublesome and aged conflict existing between the Grants and New York had not subsided, the committee reported that no law nor laws, direction nor directions, received from New York, should thereafter be accepted nor considered binding; that some measures be entered into for better securing the Tories in the district; and that the militia officers on each side of the mountains continue in their stations, and after executing the orders to them theretofore received from New York, to be under the direction of the convention. This report was "accepted" by the convention, and deserves the title, Mr. Walton says, of the first Constitution of Vermont, and the compliment of being the briefest ever adopted for so large a community. It was thereupon voted that a "Covenant or Compact be made and subscribed by the Members of this Convention," for themselves and constituents, for the security of their Common Liberties and Properties in conjunction with the "Free and Independent States of America," and a committee of seven was appointed, "to form the said Covenant or Compact, and report to the Convention as soon as may be." The committee reported a covenant or compact the next morning, which was unanimously adopted. It recited that for a series of years the convention had had under its particular consideration the disingenuous conduct of New York towards the inhabitants of the Grants, and the several illegal, unjustifiable, and unreasonable measures it had taken to deprive by fraud, violence, and oppression, those inhabitants of their property, and in particular of their landed interest; that the convention had reason to expect a continuance of the same kind of disingenuity unless some measures were effectually taken to form said district into one separate and distinct from New York; that it appeared to the convention for the foregoing reasons, together with the distance of road between the district and New York, that it would be very inconvenient for those inhabitants to associate or connect with New York for the time being, directly or indirectly; that therefore, the convention being fully convinced that it was necessary that every individual in the United States should exert themselves to their utmost abilities in the defence of the liberties thereof, and that it might the better satisfy the public of their punctual attachment to the said common cause, then as well as theretofore, they did make and subscribe the following covenant, namely:

"We, the subscribers, inhabitants of the district of Lands commonly called and known by the name of the New Hampshire Grants, being legally delegated and authorized to transact the public and political affairs of the aforesaid District of Land, for ourselves and our constituents, do solemnly covenant and engage that for the time being we will strictly and religiously adhere to the several resolves of this or a future convention constituted in said district by the free voice of the Friends to American Liberties that shall not be repugnant to the resolves of the honorable Continental Congress relative to the General Cause of America."

The resolves of the Continental Congress referred to, were a declaration of that body, made on October 14, 1774, of the rights to which the inhabitants of the Colonies were entitled "by the immutable laws of nature, the principles of the English Constitution, and the several charters or compacts." This declaration was followed a week later by the famous non-importation, non-consumption, and non-exportation agreement, signed by the delegates of each of the twelve states that then composed the Confederation, the delegates of Georgia not then having taken their seats in the Congress. When news of these proceedings reached Cumberland county, a convention of the county was at once called, and met at Westminster on the 30th of November,



and adopted "all the resolves" of said Congress "as their resolves, promising religiously to adhere to that agreement or association."

Returning to the Dorset Convention, a committee was appointed to exhibit the proceedings of the convention to the inhabitants of the county of Gloucester, and to request them to sign the "Association" left with them at their county convention held at Thetford the 13th of the August before, and return the same by their delegate or delegates, chosen or to be chosen, to meet and join the convention at its next session. The convention at Thetford was for the purpose of nominating the Gloucester quota of officers for the battalion of two hundred and fifty rangers authorized by New York, to be commanded by Major Jacob Hoisington. It was recommended to the several chairmen of the committees of the several towns on the west side, faithfully to see to it that the aforesaid "Association" be forthwith signed by every individual male inhabitant of each town, from sixteen years old and upwards, and that, for the future, each person subscribe his own name or mark; that the "Association" thus signed be returned to the clerk of the convention before the next session thereof; and that if any refused to sign the "Association," to take their names and reasons for not signing.

A committee was appointed to go into Cumberland and Gloucester counties, to carry the proceedings of the convention, and to assist in getting the "Association" signed and returned to the clerk. Dr. Fay, Dr. Reuben Jones, and Col. William Marsh were appointed a committee to draw up a remonstrance or petition to the Continental Congress; and they reported as the grounds thereof, the several measures taken by New York to monopolize the landed interest of the inhabitants of the Grants, and in particular the circumstances of the conduct of New York on both sides of the mountains, and the distance from the metropolis of any state, etc.; and their report was accepted. The committees of safety of the several towns on the Grants were invested with the same authority as other committees of safety for other towns in any of the "Free States of America." A sufficient gaol was ordered to be built on the west side, at some place to be agreed upon, "for securing Tories;" and a committee was appointed to locate the same, and to provide some way to erect it; and the committee recommended that it be erected at Manchester, a few rods east of the then dwelling-house of Lieut. Martin Powell, for the confinement of Tories and other offenders that might be adjudged to be confined, and that some person or persons be appointed "to see the performance of the above stronghold, and to be retaliated [compensated] therefor by this convention, or as they in their great wisdom shall order." A committee of war was appointed, consisting of nine members. This is the first record of a board of war on the west side. It was given full power to hear complaints, and to proceed against field-officers for neglect of duty; to collect by warrant or execution such fines as the convention imposed; and to issue warrants in the name and by the authority of the convention to the several field-officers of the militia on the Grants on sufficient notice from the general or commander-in-chief of any of the armies of the United States, the Continental Congress, or on any sudden emergency that the committee should judge to be for the immediate safety of the Grants, requesting the assistance of the militia, to march immediately to the relief of such part of the continent as they might be required to; and in case any person justly belonging to the militia and legally notified should refuse to attend and perform the duty enjoined upon him by the officers of the regiment to which he belonged, he was to be fined, unless sufficient excuse was rendered to the committee.

The several colonels on the west side were directed to issue their orders immediately to the several captains under them, to muster their companies and take the



number of men "gone in service," and what service, and how many at home, and their arms, accoutrements, and ammunition, and the colonels were to make return to the committee, and the committee to the convention.

A committee of twelve was appointed to attend the convention at its next sitting, and each town was requested to send one or more delegates. The office of the committee was advisory and to prepare business. It was the initiation of the body styled in the Constitution the "Council." In its report at the next session, the convention was styled "the House." A committee was appointed to draw a petition to the Continental Congress, which was to report to a committee to be appointed to examine the same; but such examination was deferred till the next session, when the committee for that purpose was to be filled up. Dr. Fay and Col. Chittenden, in conjunction with two more to be appointed, were made a committee to go to the Continental Congress with a petition or such directions as the convention should give them. A committee was appointed to prepare a citation to send to New York, to know if they had any objections against the Grants being a separate state from them.

Although it appeared that the town of Arlington were principally Tories, yet the friends of liberty were ordered to warn a town meeting and choose a committee of safety and conduct as other towns. If they met with opposition, they were to apply to the committees of safety of the neighboring towns for assistance. It was voted that no person be permitted to act in choosing committees of safety but those who signed the "Association" and acknowledged the authority of such committees. The convention adjourned on the 28th of September, to meet at the court-house in Westminster on the 30th of the following October.

Although the convention met at the appointed time, it was thinly attended and but little business was done. The then recent defeat of the American naval forces on Lake Champlain, the fact that the militia had been called, and were then going to the relief of their distressed brethren at Ticonderoga and the northern frontier, and that several members of the convention were more immediately called upon to protect their families, and the like, had so far taken up the attention of the committee of proceedings, and of the people at large, that the committee had not collected the full sentiment of the people, and therefore they said it was not proper to proceed to complete the petition to the Grand Council of the United States, nor to fill up the committee to deliver the same. The convention did, however, direct that an answer be made to a pamphlet sent from the Provincial Congress of New York to the county of Cumberland, and with it a pamphlet setting forth the advantages that would arise to the people at large on the Grants by forming into a separate state, and that a manifesto be put into the public newspapers, setting forth the reasons, in easy terms, why they chose not to connect with New York.

The convention adjourned to meet on January 15, 1777, at the same place, which it did. This was a most important session, for at it the Grants were declared an independent state, which would probably have been done at the October session had it not been for the alarming state of the country. On examination by a committee appointed for that purpose, it was found that more than three-fourths of the people in Cumberland and Gloucester counties that had acted, were for a new state; the rest were viewed as neutrals. Thereupon it was voted without dissent, that the Grants "be a new and separate state, and for the future conduct themselves as such," and a committee was appointed to prepare a draft of a declaration for such a state, and reported accordingly the next morning. The report, which was adopted unanimously, set forth the right of the inhabitants to form themselves into a separate and independent state or government, and declared that when protection is withheld, no

allegiance is due nor can, of right, be demanded; that when the lives and properties of a part of a community have been manifestly aimed at by either the legislative or the executive authority of such community, necessity requires a separation; and that such had for many years been the conduct of the monopolizing land-traders of New York, who had been not only countenanced, but encouraged, by both the legislative and executive authorities of that state or colony. It recited the resolution of May 15, 1776, of the Continental Congress, whereby it recommended to the respective assemblies and conventions of the United Colonies where no government sufficient to the exigencies of their affairs had been established, to adopt such government as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular and America in general. It asserted that a just right existed in "this people" to adopt measures for their own safety, not only to enable them to secure their right against the usurpations of Great Britain, but also against those of New York and the several other governments claiming jurisdiction over the territory; and, therefore it proclaimed and publicly declared that "the district of territory comprehending, and usually known by the name and description of, the New Hampshire Grants, of right ought to be, and is hereby declared forever hereafter to be considered as, a separate, free, and independent jurisdiction or state, by the name, and forever hereafter to be called, known, and distinguished by the name, of New Connecticut; and that the inhabitants that at present are, or that hereafter may become, resident, either by procreation or immigration, within said territory, shall be entitled to the same privileges, immunities, and enfranchisements as are allowed, and on such condition and in the same manner as the present inhabitants in future shall or may enjoy, which are, and forever shall be, considered to be such privileges and immunities to the free citizens and denizens as are, or at any time hereafter may be, allowed to any such inhabitants of any of the free and independent states of America; and that such privileges and immunities shall be regulated in a bill of rights, and by a form of government to be established at the next adjourned session of this Convention."

The Congressional resolution recited was originated by John Adams, for the purpose of suppressing governments under the crown in the Colonies. It was, in effect, an assertion of independence, of which the Act of July 4, 1776, was the formal declaration. The convention voted "that the Declaration of New Connecticut be inserted in the newspapers," and appointed a committee to prepare the same for the press. Delegates were elected to carry the remonstrance and petition to the Continental Congress, and further to negotiate business in behalf of the new state. A Committee of War was appointed on the east side of the mountains to act in conjunction with the Committee of War on the west side. It was recommended to each town in Cumberland and Gloucester counties to choose new Committees of Safety where the towns were dissatisfied with the existing committees, referring, doubtless, to the committees appointed under the advice of the Committee of Safety of New York.

The delegates from Cumberland county, sitting in the Provincial Congress of New York, were notified by letter of the action of the convention in declaring the independence of the Grants, and requested to withdraw themselves therefrom, and appear there no more in the character of representatives of said county, as they were not chosen by a majority of the people at large. These delegates were appointed by the Cumberland County Committee of Safety, and were not elected by the people.

The declaration and petition to Congress, presented to that body on April 8, 1777, by the delegates appointed for that purpose, defined the boundaries

of the new state, mentioned the sources of the title of the inhabitants thereof to their lands, asserted that the district described had become a respectable frontier to three neighboring states, and was of great importance to the common barrier, Ticonderoga, as it had furnished the army there with much provision, and could muster more than five thousand hardy soldiers capable of bearing arms in defence of American liberty; rehearsed the controversy with New York, and proclaimed a purpose further to resist her in certain events; gave notice of the declaration of independence of the new state, and of the readiness of the inhabitants at all times to contribute their full proportion towards maintaining the just war against Great Britain, and asked to be ranked among the free American states, and to be admitted by delegates to seats in the Congress.

The Declaration of Independence, prepared for the press by the committee appointed for that purpose, differed considerably from the original. It referred to the national Declaration, and cordially acquiesced therein; asserted that thereby the arbitrary acts of the crown were nullified in America, and that consequently the jurisdiction granted by the crown to New York over the people of the Grants was totally dissolved; that therefore said people were without law or government, and might be truly said to be in a state of nature, and therefore a right remained to them to form a government best suited to secure their property, well-being, and happiness. This Declaration was published in the *Connecticut Courant* of March 17, 1777; but it was not satisfactory to the subsequent convention of June 4th, because it omitted to state the causes for separating from New York, and therefore that convention subjoined "complaints," setting out those causes.

New York was much disturbed by these proceedings. Considering her jurisdiction as legally extending over the Grants, she regarded the inhabitants thereof her subjects, and their conduct, rebellion. With these views, the convention of that state laid the case before Congress soon after the action was taken to which she objected, for the purpose of inducing that body not to recognize the new state. To encourage the people to maintain the ground they had taken and to organize a government, Dr. Thomas Young, of Philadelphia, addressed a letter to them, in which he said that he had taken the minds of several leading delegates in Congress, and could assure them that they had nothing to do but to choose members for a general convention to meet at an early day to choose delegates to the general Congress, to appoint a committee of safety, and to form a constitution for their state. He said he understood that some were in doubt whether their delegates would be admitted to Congress; but he told them to organize and make the experiment, and that he would ensure them success at the risk of his reputation as a man of honor and common sense. He said that they had as good a right to choose how they should be governed, and by whom, as Congress had. He inclosed a copy of the Congressional resolution of May 15, 1776, heretofore referred to, and urged that no time be lost in availing themselves of the same opportunity their assuming mistress was improving to establish a dominion for herself and them. Alarmed by these suggestions of Dr. Young, the Council of Safety of New York made a further effort to arrest the progress of the new state, and to that end addressed a letter to the president of Congress, dated May 28, 1777, wherein it said that a faction in the northeastern part of that state aimed at a separation from it, and had declared themselves independent; that it apprehended no great difficulty in reducing those factious spirits to obedience and good order without the aid of Congress, but as a report prevailed and daily gained credit that they were privately countenanced in their designs by certain members of Congress, it gave that information, that by a proper resolution



on that subject the reputation of Congress might cease to be injured by imputations so disgraceful and dishonorable.

To bring the matter to a decision, a delegate from New York, on June 23d, laid Dr. Young's letter before Congress, which, with the communications from New York and the declaration and petition of the new state, was referred to a committee of the whole, and on June 30th the Congress dismissed said declaration and petition; resolved that the independent government attempted to be established by the people of the Grants could derive no countenance nor justification from the act declaring the United Colonies to be independent of the crown of Great Britain, nor from any other act or resolution of Congress; apologized for raising and officering the regiment commanded by Col. Seth Warner, and said that certain portions of Dr. Young's letter were derogatory to the honor of Congress, a gross misrepresentation of the resolution of Congress therein referred to, and tended to deceive and mislead the people to whom it was addressed.

Thus did New York accomplish her purpose for the time being. But "those factious spirits" were not reducible to obedience so easily as she pretended to suppose, for at the Convention of June 4, 1777, held at Windsor by adjournment from the Westminster Convention of January 15th, seventy-two members being present, seventy-one of them renewed their pledges to one another by all the ties held sacred among men; and the motion being whether "the House" would proceed to business in the declaration made at Westminster, with the alteration only of the name of the state from New Connecticut to Vermont, their names being called they did answer, "PROCEED TO FORM." Thereupon they passed a resolution recommending to the freeholders and inhabitants of each town in the state, to meet on the 23d of June, and choose delegates to attend a general convention to be held at Windsor on the 2d of July, to choose delegates to the General Congress, a Committee of Safety, and to form a constitution for the state. A committee was appointed to draft a constitution, but of whom it was composed is nowhere stated. Mr. Walton thinks that as Dr. Fay, Colonel Chittenden, Reuben Jones, and Herman Allen, the delegates who presented the declaration and petition to Congress on the 8th of April, consulted with Dr. Young, who recommended to them the Constitution of Pennsylvania for a model, and whose letter to the people they brought back with them—it would not be unreasonable to assume that the convention would select them to draft the Constitution, with the possible addition of Col. Jacob Bailey, who was appointed a delegate to Congress with them.

A proclamation for a fast was issued, appointing Wednesday, the 18th day of June, as the day. A series of resolutions were adopted, assuming exclusive jurisdiction by the state. A committee was appointed to wait on the commander of Ticonderoga Fort and consult with him respecting the regulations and defence of the frontiers. While this committee was at Ticonderoga, General Burgoyne with his army appeared on the lake, and resting at Crown Point, sent a scout of about three hundred, mostly Indians, to land at the mouth of Otter Creek, to annoy the frontiers. General Poor refused to allow to the committee any troops for defence, but permitted Colonel Warner to go with the committee, who soon raised men enough to repel the invaders. All who were members of the convention left the militia and repaired to Windsor, where it reassembled on July 2, 1777, pursuant to adjournment. The journal of this session was never printed, and the original document is undoubtedly destroyed. Not even a full list of the members is extant. The names of thirty-eight are given, 1 Governor and Council, 63, but ten of them as *probable* members. The convention was organized by choosing Joseph Bowker president, Joseph Marsh



vice-president, and Jonas Fay, secretary. Before proceeding to business, Rev. Aaron Hutchinson preached a sermon from the text : "Therefore, all things whatsoever ye would that men should do to you, do ye even so to them ; for this is the law and the prophets." This convention, as well as several others that had been held, acted as a general Council of Safety, advising, if not directing, in regard to all movements, military and political, that affected the general welfare, in which the people acquiesced, as they had impliedly charged their representatives to "take care that the republic should receive no detriment."

Very early in the session a dispatch was received from Colonel Warner, announcing the advance of Burgoyne upon Ticonderoga, and calling for assistance. A copy of said dispatch was immediately forwarded by express to the General Assembly of New Hampshire, then in session at Exeter, with a letter from the convention stating that the militia from this state were principally with the officer commanding the Continental army at Ticonderoga, and the remainder on the march for the relief of that distressed post, and that every prudent step ought to be immediately taken for its relief. Having adopted such measures as it deemed advisable to reinforce the beleaguered fortress with men and provisions, the convention proceeded to consider the matter of a constitution. It remained in session till the 8th of July, when its deliberations were interrupted by a dispatch from General St. Clair, announcing the evacuation of Ticonderoga, the pursuit of the retreating Americans by the British, and the attack upon Warren at Hubbardton, the disastrous result of which was not known at the time of writing. This occasioned great alarm and anxiety. The families of many of the members, including the president's, were within the line of march of the enemy, and the first impulse was to leave the business unfinished and fly to the defence of their homes. But as if the hand of Providence was in it, a furious thunder-storm came on and detained them for a while, which gave them time to complete the business, though somewhat hurriedly. The Constitution was read the last time and adopted unanimously.

It was ordered that an election under the Constitution should be held in December, 1777, to elect representatives to the General Assembly to meet at Bennington in January, 1778. A Council of Safety was appointed, consisting of twelve members, to administer public affairs until the government went into operation under the Constitution.

While no official list of the members of this council is extant, it was undoubtedly composed of Thomas Chittenden, Jonas Fay, Moses Robinson, Ira Allen, Joseph Fay, Paul Spooner, Nathan Clark, Benjamin Carpenter, Herman Allen, Jacob Bailey, and probably Jeremiah Clark and Matthew Lyon. The powers of the council were, like those of every other state council, limited only by the exigencies of the times. It was especially authorized to supply the place of a council for the next General Assembly until the Supreme Executive Council provided for by the Constitution should be chosen. Its acts and orders for the time being had the force of law. It was itself the executor of them, or it appointed executors. It exercised judicial powers, served as a Board of War, punished public enemies or reprieved them, transacted civil and military business with other states and with Congress, and prepared business for the first General Assembly. It was in fact THE STATE.

At the time the convention adjourned on July 8th, Ticonderoga had fallen into the hands of the enemy, Warner had been defeated at Hubbardton, and Burgoyne's army was advancing into New York on the western border of Vermont with all possible speed. The most energetic labors of the council were demanded, and the board proceeded to Manchester, where Warner had fixed his headquarters with a remnant

of his regiment. A quorum at least of the members were present, and the council organized by electing Thomas Chittenden president, Jonas Fay vice-president, and Ira Allen secretary, and thereupon began at once to adopt measures to protect the state from the impending danger.

On account of "the troubles of the war and the encroachments of the enemy," it was found impracticable to have the Constitution printed and circulated in season for the election in December; therefore the Council of Safety summoned the convention to meet at Windsor on the 24th of December, 1777. The convention met accordingly, revised the Constitution, adopted a preamble, written by Ira Allen in November, 1777, in consultation with the Council of Safety, setting out the reasons for separating from New York; postponed the election till the first Wednesday of March, 1778, and the session of the General Assembly until the second Tuesday of the same month at Windsor.

Some of the members of the convention doubted whether the Constitution could be established without submitting it to the people, because their credentials, although authorizing them to form a Constitution, were silent as to its ratification, and different opinions prevailed among the people concerning it. But they thought best to keep the matter in "as small a circle as possible," and, to avoid discord, a large majority in one instance conformed to a minority when considering some of the articles. Had the Constitution been submitted to the people then, it was considered very doubtful whether they would ratify it, owing to the resolutions of Congress, passed at the instance of New York, and the intrigues of that state in endeavoring to divide and subdivide the people. In these circumstances the convention appointed Ira Allen to get the Constitution printed and distributed before the election. He returned from Hartford, Conn., a few days before the election, with the Constitution printed, and distributed it. There was one or more in each town who coveted the honor of being a member of the first General Assembly and therefore, their interest was to induce their friends to attend the meetings and take the freeman's oath. This was done, and representatives were elected, and they attended the Assembly at Windsor on the twelfth of March, when the votes for governor, lieutenant-governor, twelve councillors, and a treasurer were assorted and counted, and the persons who had a majority for those respective offices were declared elected. Thus was the Constitution of Vermont put in force. Bennington was the only town that objected for the want of a popular ratification of it. Only twenty-one freemen qualified in that town, who elected a representative; but as the people and the Assembly approved of the Constitution, which was subject to revision and amendment every seven years, the Bennington objection died away, and universal content prevailed in the state.

The governments established over us as British colonies were of four kinds. The first was a charter government, by which the legislative power was vested in a governor, council, and an assembly, all chosen by the people. Of this kind were the governments of Connecticut and Rhode Island, and originally, of Massachusetts. The second was a proprietary government, in which the proprietor of the province was governor, although he generally resided in England, and administered the government by a deputy of his own appointing, the assembly only being chosen by the people. Such were the governments of Pennsylvania and Maryland and, originally, of New Jersey and the Carolinas. The third was a royal government, in which the governor and the council were appointed by the Crown, and the assembly elected by the people. Of this kind were those of New York, New Hampshire, Georgia, New Jersey after 1702, and the Carolinas after 1728. The fourth was a mixed govern-

ment, in which the governor alone was appointed by the Crown, the council and the assembly being chosen by the people.

Our first Constitution, excepting the preamble, was largely a copy of the Pennsylvania Constitution of 1776, which was framed by a convention held at Philadelphia on July 15, 1776, of which Benjamin Franklin was president, and which adjourned on the 28th of September. The Constitution went into effect at once, without a vote of the people, and put an end to the proprietary government that had existed for nearly a hundred years, as it took the place of the Charter of Privileges granted by William Penn in 1701 and agreed to by the General Assembly, the ground work of which was Penn's "Frame of Government" of 1682, drawn up by him before the departure from England of the first company of colonists to take possession of Pennsylvania under the grant to him the year before by Charles II.

As our Constitution may be said to some extent to have sprung from this Frame of Government, and even from Penn's charter itself, it is well to know something of their provisions. The charter was carefully revised by the law officers of the Crown and the Chief Justice of England before it was executed, and was generally regarded as the best drawn of the colonial charters. It allowed Penn, his heirs and successors, to enact laws, with the consent of the freemen of the province or their deputies; to erect courts of justice; and generally, to administer the government as far as practicable according to the law of England. Until altered by the assembly, the laws for the descent and the enjoyment of land, the succession of goods, and the punishment of felonies, were to be the same as those of England; but it contained no assurance that the colonists should enjoy the rights and privileges of English subjects, as was common in the colonial charters, further than what might be included under the reservation of allegiance to the Crown. By the Frame, the government was placed in the governor and the freemen of the province, out of whom were to be formed two bodies, a Provincial Council and a General Assembly. These were to be chosen by the freemen; and though the governor or his deputy was to be perpetual president, he was to have but a treble vote. The Provincial Council was to consist of seventy-two members, one-third of them to serve for three years, one-third for two, and the other for one, so that there might be an annual succession of twenty-four new members. It was the office of the council, with the governor, to prepare and propose bills, to see that the laws were executed, to take care of the peace and safety of the province, to settle the situation of ports, cities, market-towns, roads, and other public places, to inspect the public treasury, erect courts of justice, institute schools, and reward the authors of useful discovery. The General Assembly was to consist the first year of all the freemen, and the next, of two hundred. These were to be increased afterwards according to the increase of population. It was to have no deliberative power, but was to pass or reject bills submitted to it by a plain Yes or No. The members were to be elected annually by ballot. The Frame could not be altered, changed, nor diminished in any part nor clause, without the consent of the governor, his heirs or successors, and six parts out of seven of the council and the assembly. There were forty laws annexed to the Frame, relating to the good government of the province, whereby liberty of conscience was secured, with immunity from compulsory support of religious worship. The right to trial by jury and to dispose of property by will was likewise secured. Lands were made liable for the payment of debts in certain cases, and a registry of grants and conveyances was required. Civil officers were provided for and their qualifications prescribed; offences were defined, and legal proceedings, such as pleadings, process, fines, imprisonments, and arrests, were regulated.



Dr. Young said in his letter to the inhabitants of Vermont above referred to, that in his opinion, with a very little alteration, the Pennsylvania Constitution of 1776 came as near perfection as anything yet concerted by mankind; that it had been sifted with all the criticism that a band of despots were masters of, and had bid defiance to their united powers. He counted the inhabitants happy, that in laying the foundation of a new government they had a digest drawn from the purest fountain of antiquity, and improved by the readings and observations of the great Dr. Franklin, David Rittenhouse, and others.

But not all of the people of Pennsylvania shared in this admiration of their new Constitution, and it was powerfully opposed at the time of its adoption, and regarded with an increasing dissatisfaction during its existence, which terminated in 1790. It was objected to as lacking the requisite checks and balances necessary to a stable equilibrium of political power and ample opportunities were found for pointing out its defects and illustrating its weaknesses in the operation of the government under it. Several unsuccessful efforts were made to call a convention to annul it, until at last, in March, 1789, the legislature passed a resolution referring to the people the question of calling a convention. This resolution was opposed, for that the Constitution provided a different mode of amending it, and hence the adoption of any other mode would be a violation of it. To this it was answered, that though the legislature could not itself call a convention, as that power was by the Constitution committed to the council of censors exclusively, yet, as the people were the source of all political power, the legislature could refer the question to them. This opinion prevailed, and a convention was called by the legislature, after it was found that a majority of the people were in favor of it. In 1781 a committee of the General Assembly of Vermont, in conferring with a committee of the Cornish convention concerning a union with a part of New Hampshire, refused to agree to a revision of the Constitution in any other way than that pointed out therein. When the colonies formed their first Constitutions, they made a declaration of the right of self-government the foundation of their proceedings; but it does not appear to have occurred to them whether this right must always be operative, or whether it could be suspended by the people themselves. The question was now presented to the people of Pennsylvania, and they decided it through their delegates in the convention, by amending the declaration of self-government, by asserting that the people "*have at all times* an inalienable and indefeasible right to reform or abolish their form of government in such manner as they may think proper."

By the Constitution of 1776 the legislative power was vested in a general assembly of one house, to be elected annually. The supreme executive power was vested in a president, chosen annually by the assembly and the council by joint ballot, the council consisting of twelve members, elected in classes, for a term of three years. A council of censors, consisting of two from each city and county, was to be elected in 1783 and every seventh year thereafter, whose duty it was to inquire whether the Constitution had been preserved inviolate during the last septenary, and whether the executive or the legislative branch of the government had performed its duties. The people of Pennsylvania had suffered so much from the violent and tyrannical proceedings of their legislature, and had witnessed so great an abuse of the power of appointment vested in the provincial council, that a removal of those evils was the prime object of the convention of 1789-90. It divided the legislature into two bodies by constituting a senate; provided that the governor should be elected by the people, and vested in him the power of appointment and removal, without the advice and consent of the senate, and dropped the provision for a council of censors.



We come now to a somewhat detailed consideration of our first Constitution. Fourteen articles in the Declaration of Rights, and twenty-seven sections in the Frame of Government, are in substance, and in some cases in wording, like the corresponding articles and sections in the Pennsylvania Constitution.

The first article of the Declaration of Rights did not, like the corresponding article in the Pennsylvania Constitution, leave it to the legislature to secure to all men the enjoyment of those natural rights they were declared to have, but it followed out that declaration to its logical conclusion, and prohibited slavery and other involuntary servitude, except for the payment of debts or as punishment for crime. This was the first emancipation act in America. There was slavery in all the New England colonies, and some slaveholders had moved into the Grants and brought their slaves with them; and notwithstanding the liberating clause of the Constitution, whereby "the idea of slavery was expressly and totally exploded from our free government," instances occurred of the former owners of slaves making sales of them as slaves, and attempts were made to transport them out of the state in open violation of law. To put a stop to this, the legislature, at its October session in 1786, passed an act to prevent the sale and transportation of negroes and mulattoes; but this act was repealed in 1797, as it was supposed to militate against the last subdivision of Section 3, Art. 4, of the Constitution of the United States. *Sts. of 1797*, p. 602; Tyler, J., in *Selectmen of Windsor v. Stephen Jacobs*, 2 Tyler, 192, 200. In that case, decided in 1802, the Supreme Court held that by virtue of this constitutional provision, notwithstanding the Constitution of the United States, when the purchaser of a slave became an inhabitant of this state, his bill of sale was inoperative here, and could not be read in evidence.

The second article was not contained in the Pennsylvania Constitution, and limits the right of eminent domain, which, as a right of compulsory purchase, is much like the ancient prerogative of purveyance which at one time prevailed pretty generally in Europe, and was regulated in England by *Magna Charta*, but is now abolished, whereby the Crown enjoyed the right of buying up provisions and other necessities for the use of the royal household at an appraised valuation and in preference to all others, even without the consent of the owner.

The framers of our Constitution were pleased with the second article of the Pennsylvania bill of rights, as it declared for religious liberty and the right of conscience; but they had less confidence in it because it came from a Quaker state, and because the convention that formed it sat on Sundays as well as week days, and they feared that this religious liberty might be somewhat larger than the people of New England had been accustomed to, and thought it expedient to adapt the Constitution to the sentiments, habits, and customs of the people of the state. But they had no idea of authorizing the legislature to tax the minor sects for the benefit of the standing order, as had been done in all the rest of New England except Rhode Island, but they thought that as all classes of the community had a common interest in the support of public worship as they had in the support of common schools, they ought to support some sort of public worship; consequently they added to that article a clause protecting the civil rights of professed Protestants, and a declaration that every sect or denomination of people ought to observe the Sabbath, or Lord's day, and keep up and support some sort of religious worship that to them should seem most agreeable to the revealed will of God.

They added the twelfth article, which prohibited the issuing of warrants or writs to attach the person or estate of a freeholder without oath or affirmation; and also, article nineteen, prohibiting the transportation out of the state of any person for trial for an offence committed within it.

That William Penn and Benjamin Franklin were authors of many of the important features of the Frame of Government in our first Constitution is without question. For many of the "family resemblances" between our Frame and Penn's Frame of 1682, the reader is referred to 1 Governor and Council, 86 and following. Our Frame vested the government in a governor, deputy governor, council, and an assembly of the representatives of the freemen of the state. Like Pennsylvania, it vested the supreme legislative power in a House of Representatives, and the supreme executive power in a governor and council. The idea of a single legislative body is said to have originated with Dr. Franklin. In all the other states the legislature was divided into two bodies; and Pennsylvania adopted that plan in 1790, as we have seen, while we did not adopt it till nearly half a century later. It is undoubtedly a vicious thing in government to vest supreme legislative power in a single body, for, as Judge Wilson says in his works, the experience of every age has taught mankind the necessity of vesting portions of that power in separate bodies, in order to form proper checks upon hasty and undue exercise of authority. Such was the government formed at Athens by Solon; such that instituted at Sparta by Lycurgus; and such that which so long flourished at Rome. So the Wittenagemote, or national council, of the Saxons probably very much resembled the British Parliament of the present day, the main constitution of which was marked out in the Great Charter of King John in 1215, wherein he promised to summon all archbishops, bishops, abbots, earls, and greater barons, personally, and all other tenants in chief under the Crown, by sheriff and bailiffs, to meet at a certain place to assess aids and scutages when necessary.

By Penn's Frame the provisional council was to consist of persons "of most note for wisdom, virtue, and ability." By our Frame the House of Representatives was to consist of persons "most noted for wisdom and virtue," to be chosen annually by ballot by the freemen of the several towns. This provision for annual elections and sessions of the General Assembly was contained in Penn's Frame.

To prevent immature and hasty legislation, the fifteenth section of the Pennsylvania Constitution provided that all bills of a public nature should be printed for the consideration of the people before they were read the last time for debate and amendment, and should not, except on occasions of sudden necessity, be passed into laws until the next session. In that state the council had no legislative power, nor any connection whatever with the assembly in legislation. Our framers were not satisfied with this, and so they changed that section, and made it require all bills of a public nature to be first laid before the governor and council for their perusal and proposals of amendment, and to be printed for the consideration of the people, before they were read the last time for debate and amendment, and forbid the passage of bills into laws until the next session, except temporary acts, which could be passed the first session, in case of sudden necessity, after being laid before the governor and council. The inconvenience and expense of complying with this section often induced the legislature to omit the printing of public bills; and the section was frequently evaded by making all acts temporary in the first instance, which was manifestly unavoidable at the first session after the Constitution went into effect.

Although this change conferred on the governor and council no legislative power, yet in practice it proved to be of great importance during the first septenary, and affected the whole course of legislation, making the governor and council nearly a co-ordinate branch of the legislature. Judge Daniel Chipman thought that no one who personally knew Gov. Thomas Chittenden would hesitate to say that he was the author of it, as his sagacity and experience enabled him to foresee its importance, and that

there is little doubt that he then contemplated the very method of legislation that was adopted at the first session as a result of this slight connection in legislation between the governor and council and the assembly. In several instances during that session the assembly requested the governor and council to lay bills before it, doubtless because it considered them more capable of drafting bills, and because it would save them the trouble of proposing amendments to bills sent from the house.

But another practice was introduced of far greater importance. When the governor and council proposed amendments to a bill from the House, to which the House could not agree, the governor and council and the House joined in grand committee to discuss the subject, and the committee reported its opinion to the House. And the practice was, when an important subject was debated in the House, to request the governor and council to join in grand committee. This practice continued harmoniously, without any act relative to the passing of laws, until February, 1784, when an act was passed, directing the form of passing laws, and expressly sanctioning the practice by providing that if the council and the assembly could not separately agree upon a bill when amendments were proposed by the governor and council, they should meet in grand committee, in order that the wisdom of both houses might be properly obtained.

Each town that consisted of eighty taxable inhabitants within the septenary next after the establishment of the Constitution, was entitled to two representatives in the General Assembly, and each other inhabited town, to one; and after that, each inhabited town was to be entitled to only one. Under this section, some towns that had a right to two representatives would choose them with a view to have but one attend at a time, which choice, by augmenting the number of the whole, augmented the number necessary for a quorum, which consisted of two-thirds of the whole number elected, and about which difficulty might arise by reason of such non-attendance. Therefore, in June, 1781, the legislature passed an act, recommending to such towns to elect no more representatives in future than they meant and intended to have constantly attend the assembly. In February, 1782, an act was passed to compel the more punctual attendance of members, but it was repealed in February, 1783.

The Supreme Executive Council consisted of the governor, lieutenant-governor, and twelve persons chosen by the freemen of each town at the annual election of representatives to the General Assembly, and was to meet annually with the assembly. The governor and council were, among other things, to prepare such business as appeared to them necessary to lay before the assembly; to hear and determine impeachments, taking to their assistance, for advice only, the judges of the Supreme Court; to take care that the laws were faithfully executed, and to expedite such measures as the assembly resolved upon. They were empowered to lay embargoes or prohibit the exportation of any commodity for any time not exceeding thirty days, but only in a recess of the assembly.

Courts of justice were to be established in every county; and the Supreme Court, and the Courts of Common Pleas, besides the powers usually exercised by such courts, were given the powers of a Court of Chancery as far as related to the perpetuation of testimony, obtaining testimony from places without the state, and the care of persons and estates of *non compotes*, and such other powers as should be found necessary by future General Assemblies, not inconsistent with the Constitution. Trials by jury were secured, and it was recommended to the legislature to provide by law against every corruption or partiality in the choice, return, and appointment of juries.

As every freeman, to preserve his independence—if without a sufficient estate—



ought to have some profession, calling, trade or farm, whereby he can honestly subsist, it was declared to be unnecessary and useless to established offices of profit, the usual effects of which are evil. But if a man was called into public service to the prejudice of his private affairs, it asserted his right to a reasonable compensation, but said that whenever an office, through increase of fees or otherwise, becomes so profitable that many apply for it, the profits ought to be lessened by the legislature. It has rarely happened thus far in the history of the state that an office has become overprofitable.

Foreigners were given the right to acquire and hold real estate, and became free denizens after a year's residence, entitled to all the rights of natural-born subjects, except that they could not be representatives until after a two-years' residence. The establishment of schools in each town was required, with salaries to the masters, to be paid by the towns, making proper use of school lands, thereby enabling them to instruct youths at low prices. It was declared that one grammar school in each county and one university in the state ought to be established by the assembly.

While entails are encouraged in monarchical governments, because they protect and perpetuate the power and the influence of the landed aristocracy, such a policy is inapplicable to republican governments, where wealth does not confer permanent distinction, and under which every member of a family has equal rights, and is equally invited by the genius of the institutions to depend upon his own merit and exertion. Actuated by this sentiment, our Constitution enjoined the regulation of entails in such a manner as to prevent perpetuities. Gibbon says that the Roman law was a stranger to the long and intricate system of entails. But the *fidei commissa* of that law, which were trusts for carrying out the last wishes of deceased persons, of little force at first, but finally established, were analogous to estates tail. In France, entails were not formerly permitted to extend beyond the period of three lives; but by the ordinance of 1747 they were extended not only to many persons successively, but to a long series of generations. But the Code Napoleon abolished the entailments allowed by that ordinance, and declared all substitutes or entails null and void, even in respect to the first donee. Our legislature did not, however, undertake to regulate entails until the revision of 1839, probably being satisfied with them as they were, and satisfied that any attempt to create perpetuities would be frustrated by the constitutional inhibition. That statute adopted the law as it had always been understood in Connecticut, and converted the first tenant in tail into a tenant for life only, and gave the remainder in fee-simple absolute to the person to whom, on the death of the first taker, the estate tail would have first passed according to the course of the common law.

In order that the freedom of the commonwealth might be preserved inviolate forever, the last section of the Constitution provided for a council of censors, to be chosen by ballot by the freemen of the state on the last Wednesday in March, 1785, and on the last Wednesday in March in every seven years thereafter, who should meet on the first Wednesday of June next ensuing their election. It was made their duty to inquire whether the Constitution had been preserved inviolate in every part; whether the legislative and the executive branches of the government had performed their duty as guardians of the people, or had assumed or exercised other and greater powers than they were entitled to by the Constitution; whether the public taxes had been justly laid and collected in all parts of the state; in what manner the public moneys had been disposed of; and whether the laws had been duly executed. For these purposes they were empowered to send for persons, papers, and records, and authorized to pass public censures, to order im-



peachments, and to recommend to the legislature the repealing of such laws as appeared to them to have been enacted contrary to the principles of the Constitution. They were also empowered to call a convention, to meet within two years after their sitting, if there appeared to them an absolute necessity of amending any article of the Constitution that was defective, explaining such as was thought not to be clearly expressed, and of adding such as were necessary for the preservation of the rights and happiness of the people; but the articles to be amended and the amendments proposed, and such articles as were proposed to be added or abolished, were to be promulgated at least six months before the day appointed for the election of the convention, for the previous consideration of the people, that they might have an opportunity to instruct their delegates on the subject.

The opening language of this section shows that the framers feared for the success of a government by the people. In Great Britain there was a power above the people that governed and controlled. This kind of government they understood, but a government by the people was new and experimental, and therefore prudence dictated the adoption of every expedient that wisdom suggested as promotive of success. But this expedient proved a broken reed. Unlike the Roman censors, who had almost kingly power, the Constitution conferred upon our censors little or no power. They were authorized to pass public censures, but being sensible of their want of power to correct mal-administration thereby, they usually omitted such censures. They occasionally recommended the repeal of unconstitutional laws, but usually without effect. In 1799 they ordered an impeachment, which the House refused to institute, holding that an impeachment by it was in the nature of an indictment by a grand jury, and that the order of the censors made it its duty to send for the testimony, and decide for itself whether it supported the charge, which it did, and dismissed the order.

The censors were elected, not by counties, as in Pennsylvania, but by the whole state on a general ticket. The consequence was that the minor political party had no voice in proposing amendments. Candidates were selected by the dominant party, and the people were called upon to give their votes for censors, not because they wanted the Constitution amended, but because another septenary had expired. Very little interest was felt in the election, and but few voted, and those paid no attention to the sentiments of the persons voted for relative to amending the Constitution. The censors were in no just sense the representatives of the people, but the caucus candidates were elected. The minor party, as was natural, looked upon the censors with disfavor; but it found consolation in the fact that, for some reason, it often had a majority in the conventions called by the censors. This was the case in the conventions of 1836 and 1843.

But the most weighty objection to this way of amending the Constitution was, that the convention was restricted to the amendments proposed by the censors. This was regarded as an unwise limitation of the right of the people to reform their Constitution, the exercise of which, it was said, ought to be free when the people met in convention by their representatives. The originators of this section had lived under Penn's charter, which restricted the legislative power of the General Assembly to the passage or rejection of such bills as the governor and council laid before it; and although that restriction had become odious to the people of Pennsylvania, and was entirely removed by their Constitution of 1776, yet it was thought necessary to restrict the exercise of the declared popular right to alter the Constitution, and the restriction that Penn imposed on the General Assembly was the one naturally adopted. In no other states were constitutional conventions restricted, but the whole Constitution was open to amendment.

At the first session of the General Assembly, which was in March, 1778, a bill was brought in by the council and passed, establishing the common law as the law of the state. At its February session in 1779, an act was passed for securing the general privileges of the people, and establishing the common law and the Constitution as part of the law of the state. It adopted the common law as it was then generally practiced and understood in the New England states, and declared that the Constitution, and such alterations thereof and additions thereto as should be made according to the forty-fourth section of the Plan of Government, should be forever considered, held, and maintained as part of the law of the state. In 1782 another act was passed, establishing the Constitution and securing the privileges of the people, the purpose of which was, as therein recited, to prevent disputes respecting the legal force of the Constitution, and to determine who were entitled to the general privileges of the Constitution and the laws. It established the Constitution in much the same language as did the act of 1779; and as the inhabitants of the state had been habituated to conform their manners to English laws, and to hold their real estates by English tenures, it adopted so much of the common law of England as was not repugnant to the Constitution nor to any act of the legislature; and as the statute law of England was so connected and interwoven with the common law that our jurisprudence would be incomplete without it, such statute laws and parts of laws of England as were passed before the 1st day of October, 1760, for the alteration and explanation of the common law, and not repugnant to the Constitution or some act of the legislature, and were applicable to the circumstances of the state, were adopted and made law within the state, of which all courts were to take notice.

Governor Slade says that the Constitution, if it was anything, was already the fundamental law of the state, possessing authority necessarily paramount to any act of the legislature—the very charter, indeed, of its existence, and by which alone it was invested with power to legislate at all; and yet, he says, we here find the legislature gravely attempting to give to this instrument the force of law. But this is explained, he says, by the fact that the Constitution was never sanctioned by a vote of the people, but went into operation as it came from the hands of the convention, and for that reason was, he thinks, regarded as a nullity by the statesmen of that time, but submitted to from necessity rather than choice. But Judge Chipman thought that these acts were not passed for this reason, but because it had not then come to be understood that the Constitution was the supreme law, but that the English idea of the supremacy of the legislature still prevailed, and continued to prevail until the adoption of the Constitution of the United States, when it was seen that the people at large, in the exercise of their sovereignty, had restricted the powers of the state legislators, and declared the Constitution to be the supreme law of the land, and constituted a judicial tribunal to decide all questions arising under it. After this, he says, it was no longer possible to maintain the political heresy that had so long prevailed; that it was then seen that a state Constitution, as far as it was not affected by the Federal Constitution, was, from its very nature, the supreme law of the state without any declaration to that effect, and that all acts of the legislature repugnant thereto were void, and must be so held by the judiciary.

That the idea of the supremacy of the legislature obtained, is further shown by an act passed in 1787, establishing the Constitution of 1786, and by an act passed in the same year, limiting to freeholders the right of suffrage, whereas the Constitution contained no such limitation. This act introduced a different practice in the admission of freemen to vote, as some of the towns were governed by the Constitution, and some, by what they regarded the paramount law—the act of the legislature. But

none of the acts legalizing or altering the Constitution were continued by the revision of 1797, which may have been because they had come to be thought nugatory, or, as Judge Chipman suggests, because they were thought to be operative until repealed, however repugnant to the Constitution.

The idea of legislative supremacy is further shown by the fact that but little attention was paid to the Constitution during the first septenary. This was, perhaps, fortunate for the state, for Governor Chittenden had unusual tact in adapting measures to the existing state of things, and it was the opinion of Judge Nathaniel Chipman that the government would not have been sustained had any other man been at the head of it. It seems, after all, a little remarkable that this idea of legislative supremacy over the Constitution should have prevailed as it did, since the Constitution itself expressly declared that the House of Representatives should have no power to add to, alter, abolish, nor infringe any part thereof.

The Constitution, by a decided distribution of power, in effect made the executive, legislative, and judicial departments separate and distinct, so that neither could exercise the powers belonging to the other; but this was not expressed in so many words, as it was in the Constitution of 1786. But neither the executive nor the legislative department regarded this distribution when it suited their purpose to disregard it, and each was constantly trenching upon the province of the other, and both upon that of the judicial department. A few instances will serve to illustrate how the Executive Council was accustomed to trench upon the province of the other departments. It granted a divorce in June, 1778, and another in October. Although the first statute relating to divorce of which there is any record, was passed in February, 1779, which gave jurisdiction to the Superior Court, established at the same session, yet undoubtedly before that time, whatever jurisdiction there was in such cases was exclusively in the courts; and the first council of censors regarded this as a "very extraordinary step" on the part of the Executive Council.

In November, 1781, the council remitted a fourth of a debt due from Dr. John Page to Col. William Marsh, because it was contracted in Continental money, notwithstanding the act of the April before, fixing a general scale of depreciation of all debts contracted in Continental money, and making it a rule in all courts and in committee of pay-table. This was an arbitrary exception of a single case from the operation of a general law.

In February, 1782, the legislature enacted that all public acts, papers, and records that belonged to the state, except the papers and records of the council, should be deposited and remain in the hands of the secretary of state, who should attest and register the charters of incorporations, grant copies of all records, etc. In March, 1784, the council resolved that the secretary of council should keep, in his office, all the records and copies of charters of lands granted previous to October, 1781; and on account of the disputes respecting bounds of townships, which might occasion the alteration of some of the charters already granted, he was directed to record no more charters till the further order of council. This was in contravention of the act of the legislature, and contained an implied assumption of power on the part of the council to alter charters already granted, which it manifestly could not do.

At its February session in 1782, the General Assembly granted a gore of land adjoining Lunenburg, to John Wheeler and his associates; but difficulties having arisen in ascertaining the precise local situation of Lunenburg, the council directed that a charter be made out of another gore in lieu of the former, and without a previous grant by the assembly. This was an evident infringement of the power



vested in the assembly by the Constitution, which authorized it to "constitute towns, boroughs, cities, and counties."

But the General Assembly itself was quite as apt to exceed its jurisdiction as was the council. At its February session in 1779, in an act making all laws of that session temporary, to remain in force only till the rising of the assembly in October then next, it prohibited all courts from taking cognizance of any matter or thing in which the title of land was concerned, and of any action on contract where the parties appeared to have made a bargain, or contract, by note, bond, debts, or agreement in writing or otherwise, any act or law to the contrary notwithstanding. This act, and several subsequent acts prohibiting the courts from trying land titles, were very severely criticised by the first council of censors as militating against that article of the Bill of Rights expressive of the design of forming social compacts and declaring the right of protection in the enjoyment of property; and against the article ensuring a right to a trial by jury; and also against that section of the Frame of Government providing that "all courts shall be open, and justice impartially administered without corruption or unnecessary delay."

"How," it asked, "can property be legally protected, if not by the several courts administering justice according to the known laws of the land? How can parties be said to enjoy the right of trial by jury, when the legislature prohibits a trial of any kind? How can courts with propriety be called open within the meaning of the Constitution, or justice be administered therein impartially without unnecessary delay, when they are dis-enabled to take cognizance of any matter wherein the title of land is concerned, and of any action founded upon a contract, which are nine-tenths of the causes where justice is sought."

It left it to the people to decide how far the singular condition of real property in the state and the peculiar political situation ought to extenuate shutting the courts of justice with respect to landed property, but declared that preventing suits upon all private contracts was an unheard-of transaction, which could not be accounted for upon any principle honorable to the promoters of it.

One of the subsequent acts above referred to was that of October 22, 1779, which appointed commissioners to take into consideration the titles of controverted lands, and report to the assembly which of the various claimants thereto ought, *in justice and equity*, to possess and forever hold the fee of the same; made each report that should be approved and established by the assembly final and conclusive between the parties; forbade the commencement or prosecution of actions in which the title of land was concerned, and removed all such actions then pending to said commissioners.

This was characterized by the council of censors as an extensive grasp of the agreeable desideratum of uncontrolled dominion. They said they had not learned what means were made use of by a kind, overruling Providence to prevent this law from being carried into execution, but thought there was much reason for being grateful that it had not been executed.

Several acts were passed obliging creditors to accept the produce of the country in lieu of money. An act was passed forbidding for a time the commencement or prosecution of actions against Joseph Farnsworth on contracts made by him in his capacity of commissary-general of purchases. The good disposition theretofore manifested in discharging public debts had preserved the public credit, the slight depreciation that the public securities had sometimes undergone having proceeded from a scarcity of specie and the example of other states, rather than from a fear that they would not be redeemed at their original value. But this act was considered by the censors as a stride towards the destruction of that credit, and as a lesson to indi-



viduals not to trust their property where the power and the disposition to evade payment were united.

The legislature vacated judgments, and deeds fraudulently procured; stayed executions and granted pardons. It was fickle, and lacked deliberation. Few acts of general concern but underwent alteration at the next session, and some of them at many sessions. The revised laws were altered, re-altered, made better, made worse, and kept in such fluctuation that those in civil commissions scarce knew what the law was, nor how to regulate their conduct in the determination of cases.

In some instances it is probable that the Constitution was violated through necessity, as it was a time of extreme danger, when good men were induced to hazard all consequences for the sake of preserving our existence as a people; and whatever censure they are deserving of in this behalf, on the whole they are justly entitled, not only to our admiration, but to our gratitude.

The censors recommended to the legislature the repeal of certain acts, and the alteration of others, for divers reasons; as, being unconstitutional; inflicting infamous punishment for non-infamous crimes; imposing too severe penalties; being too paternal; having survived the reason for their enactment; not sufficiently guarding the property of the subject; vague in definition of offences; unguarded in language; and calculated for the emolument of individuals.

To preserve the rights and happiness of the people, and to render government less expensive and more wise and energetic, the first council of censors proposed many amendments of the Constitution, which it re-drafted, incorporating the proposed changes and additions with the text, and promulgated the re-draft for the consideration of the people, and with it the original Constitution. The convention called by the censors met at Manchester on June 29, 1786, and on the 4th of July certified the Constitution of 1786. Many of the proposed amendments were adopted, but some of the most important were rejected.

The third article of the Bill of Rights was amended by extending to all men the protection of civil rights from infringement on account of religious sentiment or peculiar mode of religious worship, whereas before that, protection was limited to those who professed the Protestant religion. The fourth article was so amended that it declared the right of the people, not generally, as before, but "by their legal representatives," to regulate the internal police of the state. Four new articles were added, declaring for a certain remedy by having recourse to the laws; for freedom of debate in the legislature; against the power of suspending laws or the execution of them except by the legislature; and restricting martial law.

The censors proposed an article against *ex post facto* laws, and the dropping of Article 12, added by our framers, that no warrant or writ to attach the person or estate of a freeholder should issue in a civil action without oath or affirmation of danger of losing the debt. But neither of these proposals was adopted. Some other alterations were made in the Bill of Rights, but they were not of sufficient importance to require mention.

The Frame of Government underwent greater change. Sections 4 and 23 were recast and consolidated, leaving out the provision in the latter concerning the compensation of officers of courts and the disqualifying effect of taking greater fees than the law allowed, and adding one making judges of the Supreme Court justices of the peace throughout the state, and judges of the County Court in their respective counties, by virtue of their offices, except in the trial of cases appealed to the County Court. Section 5 was added, providing that the legislature should, when expedient and necessary, erect a Court of Chancery, with such powers as were usually exercised by that

court, provided they did not constitute themselves judges thereof. Section 6 was also added, providing that the executive, legislative, and judicial departments should be separate and distinct, so that neither exercise the powers properly belonging to the other. Section 9 was amended by making a majority of the representatives chosen a quorum for transacting any business, except raising a state tax, for which two-thirds were required to be present; whereas before, two-thirds were required for a quorum for any purpose.

To prevent unnecessary expense in legislation, and to insure greater deliberation and expedition therein, and a more equal representation, the censors proposed an amendment that the whole number of representatives in the General Assembly should not exceed fifty, to be elected, either by counties in convention, the number to be apportioned somewhat with reference to the grand list of the county, or by districts, into fifty of which the state was to be divided. This proposal was not adopted, but representation was left as it was for another septenary. A proposal to elect councillors by counties was also rejected, as were proposals for a real property qualification for voters in freemen's meeting; for limiting the time that one could be governor continuously, or treasurer, or sheriff, and how soon, and on what conditions, he could be re-elected to those offices respectively; and for the rating of private property.

To prevent the state from being perpetually drained of circulating specie by uses not beneficial thereto, the censors proposed the adoption of a section declaring that the legislature ought to prevent corporations and societies in remote parts, and persons acting in trust for them or their use, from taking or holding any lands within the state, and to appropriate grants theretofore made to such corporations and societies to the use of literature within the community. Dartmouth College, on account of its contiguity and usefulness to the state, was not to be affected thereby while it was maintained where it then stood. This proposal, which was not adopted, was manifestly unjust, as it seemed to contemplate the taking of private property for public use without an equivalent in money, which was directly opposed to the second article of the Bill of Rights.

The censors thought it a mistake in the Constitution to give official tenure to certain judicial and executive county officers during good behavior, as it invested them with estates in their offices, which could not be taken from them except by the General Assembly on proof of maladministration. The mode of electing judges of the Superior Courts was left to the legislature, and they were always elected annually by joint ballot of the executive council and the legislature; and the Constitution was so amended as to require the election of county judicial officers in the same way, and also sheriffs.

It was also so amended as not to require the printing of bills for the consideration of the people before they were read the last time, and not to forbid their passage the first session; and instead of being laid before the governor and council for their perusal and proposals of amendment, as before, bills were required to be laid before them for their revision, concurrence, and proposals of amendment; and in case the assembly did not agree to their proposals of amendment, they were authorized to suspend the passage of such bills till the next session; but if they did not within five days return a bill laid before them, it became a law. This control over legislation was designed as a check upon the assembly, which, during the last septenary, had been guilty of much crude, hasty, and unsatisfactory work.

A new section was added, that no person ought in any case nor at any time to be declared guilty of treason nor other felony by the legislature. A section was also

added making certain offices incompatible ; and one, requiring the state treasurer and sheriffs to give security ; and one, that the treasurer's accounts should be annually audited, and a fair statement thereof laid before the General Assembly. An amendment was made, making unbailable prisoners in execution, and one, requiring deeds to be recorded in the county clerk's office, for want of a town clerk's office in the town. A section was added, abolishing deodands and prohibiting the forfeiture of the estates of those who destroyed their own lives.

The following sections were dropped, namely, section eleven, giving full legislative powers to two-thirds of the members of the towns that elected and sent representatives, provided they were a majority of the inhabited towns of the state ; section twenty-one, conferring certain powers upon the courts ; section twenty-eight, requiring a good moral character as a qualification for civil office ; section thirty, concerning the payment of fees, fines, and forfeitures ; and section thirty-two, concerning the freedom of printing presses. Section thirty-eight was amended by requiring 'two years' residence for eligibility to the offices of governor, lieutenant-governor and councillor. No other changes of importance were made.

During the next septenary the executive and the legislative departments so well obeyed the constitutional injunction of keeping within their respective powers that the council of censors of 1792 found nothing of theirs to be unconstitutional nor censurable. But it regarded it an inconvenience to have all legislative powers vested in a single and numerous body, as its numbers, necessarily large, in order fully to comprehend all the national interests, passions, manners, and sentiments to which laws ought to be adapted, tended to incumber discussion, and subject such legislatures, frequently, to hasty and crude determinations. This it apprehended to be the principal reason why so many amendments, explanations, and alterations had been constantly found necessary in the laws. To remedy this by introducing greater deliberation into legislation, and affording opportunity of correcting many errors that might otherwise escape attention, it proposed the addition of a Senate, with distinct powers and an equal voice in legislation. To facilitate its deliberations, it was to be a less numerous body than the House, but was in the fullest sense to be a representative body, and amenable to the people as much as the members of the House, and to be so elected as to give a different combination, and a more collective view, of the interests represented.

The censors also thought it inconsistent with the principles of a free government that the executive should have a negative on the proceedings of the legislature, although they thought it necessary, as the executive had opportunity to observe all difficulties that arose in the execution of the laws, and was the centre of information on that subject, that the legislature should have the benefit of such information ; they therefore proposed that all acts, before they were passed into laws, should be laid before the executive for revision, who was not to make leading propositions, but simply to state objections in writing, if any were found, with the reasons therefor, the legislature still having the sole power of passing laws. Neither of these propositions was adopted. The proposal for a Senate was rejected, not because the people had become attached to the Constitution by habit, but because the members of the Senate were to be apportioned to the counties according to population, and by another proposal, no town was to be entitled to representation in the House of Representatives unless it contained forty families, though towns of a less number could unite to make up the forty. At that time a great portion of the towns north of the counties of Rutland and Windsor contained less than forty families, and every member of the convention from that section of the state voted against it except two, Judge White,



of Georgia, who was a member of the council of censors, and Judge Law, of Colchester, both of whom voted in favor of it. The four southern counties were so much in favor of it, that after a session of a week or ten days, there was but a small majority of the convention against it.

Divers other amendments were proposed for the purpose of better explaining certain articles, preventing the passage of *ex post facto* laws, and making the practice in the different departments more uniform.

The convention, which met at Windsor on the first Wednesday of July, 1793, "expunged" the preamble. Spooner's *Vermont Journal* of July 22, 1793. The censors must be taken to have recommended this action, as they promulgated the Constitution as proposed by them, with the preamble omitted, and the Constitution as it then was, with the preamble retained, thus clearly recommending its abrogation. Mr. Walton, therefore, is mistaken when he says no record appears of any action on the preamble by that convention nor by the council of censors that called it. 1 Governor and Council, 85. But very likely the reason he suggests for omitting the preamble from Haswell's *Compilation of the Statutes* in 1791 was the one that induced its abrogation, namely, a courteous desire to suppress a state document so distasteful to a reconciled foe, the controversy with New York having been amicably settled in 1790.

The convention dropped the eighth article of the Bill of Rights, declaring the right of the people to enact laws for reducing public officers to private station and supplying their vacancies; and article thirteen, prohibiting the issuing of warrants and writs in civil actions to attach the person or estate of a freeholder without oath or affirmation of danger of losing the debt.

The censors proposed to drop the section in the Frame of Government requiring the legislature to regulate entails in such a manner as to prevent perpetuities, and to add an article to the Bill of Rights against the allowance of entails; but the proposal was not adopted.

They also proposed, and the convention adopted, sections against drawing money from the treasury without legislative appropriation; requiring a two-years' residence in the state, the last to be in the town, in order to eligibility as a representative; and a four-years' residence in the state in order to eligibility as governor or lieutenant-governor; and prohibiting councilors and representatives from taking fees for bringing forward or advocating any bill, petition, or other business to be transacted in the legislature, except when employed by the state.

Section 26 was amended by making persons holding any office of profit or trust under the authority of Congress ineligible to any appointment in the legislature, and incapable of holding any executive or judicial office under the state. Section 30, concerning delegates in Congress, was dropped, being no longer applicable, as the state had been admitted into the Union. No other changes of importance were made.

It has been said that this convention transcended the ordinance by which it was called; but a careful examination of its work will show, I think, that such is not the case. It was presided over by Thomas Chittenden, who, as president thereof, certified the Constitution of 1793 on the 9th day of July of that year.

The censors of 1799 called no convention. They all were of opinion that alterations of the Constitution might possibly be made for the greater security of the rights of the people; but on account of the convulsed state of political opinion, they thought it an unsuitable time to enter upon such important business.

They recommended the repeal, as unconstitutional, of an act empowering the Supreme Court to disfranchise a freeman for *any evil practice that rendered him*



*notoriously scandalous*; and of an act subjecting persons acquitted by jury in certain criminal cases to the payment of costs at the discretion of the court; and of all but the first and last sections of an act to support the Gospel, passed October 26, 1797, by which a person might be compelled by taxation to contribute to the erection and support of a place of religious worship and to the maintenance of a minister, contrary to the dictates of his conscience, unless he obtained a certificate that he belonged to some other sect or denomination of Christians.

The legislative practice of admitting members to seats who were elected on days not appointed by the Constitution, was condemned as unconstitutional, as were the trial and conviction under martial law of David Whitney, major-general of the third division of the militia of the state, for divers offences, none of which were even alleged to have been committed while acting in a military capacity; and the conduct of Governor Tichenor, as commander-in-chief, in arresting Whitney, ordering him before the court-martial, and approving and publishing the sentence, was declared to be highly censurable.

Neither did the censors of 1806 call a convention. But they urged the repeal of certain acts that they regarded unconstitutional, and especially all acts then in force for the support of ministers and the building of meeting-houses, except the first and last sections of the act of 1797 for the support of the Gospel. That act had not been repealed, as recommended by the censors of 1799, nor as recommended by a special resolve of the present censors, communicated to the legislature at Middleburg in October, 1806.

The censors called attention to the non-enforcement of the laws against gaming, profane swearing, Sabbath-breaking, and intemperance, and set forth the evils they conceived to flow therefrom. They characterized as unequal and unjust the taxing by the acre of cultivated and mountainous parts of the state that were poor and barren, equal to lands of a better quality and situation, as they found had been done in several instances. They similarly characterized the too frequent taxing of wild lands, which had often been done, making those taxes much greater according to the value of the property than other taxes.

The censors of 1813 proposed twenty-eight articles of amendments, alterations, and additions, the leading objects of which were, to introduce a Senate in lieu of the executive council; to give the appointing power to the governor and Senate; and to render the judiciary more independent by conferring official tenure on the judges of the Supreme Court during good behavior, and also on the chancellor, as they recommended a Court of Chancery, distinct from the courts of law.

The adoption of these articles was strongly urged in a pamphlet issued by the censors in addition to their address to the people, entitled, "The Constitutionalist; or, Amendments of the Constitution proposed by the Council of Censors." This pamphlet is supposed to have been written by Nathaniel Chipman, who was a member of the council. Their adoption was also urged by Charles Marsh, also a member of the council, in an address delivered at the celebration of Washington's birthday, at Norwich, on the 22d of February, 1814. But none of them were adopted.

Judge Chipman was also a member of the convention, and moved the adoption of the article providing for a Senate; but they were rejected by a vote of 188 to 20, after a very lengthy debate. The first sentence of the ninth article, concerning the election of governor and lieutenant-governor, was defeated after debate, and the rest of the article without debate. All the other articles were defeated without debate, except article twenty-seven, which provided that the writ of *habeas corpus* should in

no case be suspended, but should be considered a writ of right issuable of right, etc., which was defeated by a vote of 156 to 51, after considerable discussion.

Not until after this convention was called was it said and repeated, as it continued to be until the convention of 1836, that we had done well under the Constitution as it was, and therefore it would be unwise to amend it, and if we began to amend it, we should soon amend it all away. This talk had great influence in keeping the Constitution as it was.

The censors recommended to the legislature the immediate and unqualified repeal of an act suspending civil process against the persons and property of officers and soldiers of the state while in service, and of an act to prevent intercourse with the enemies of this state and the United States on the northern frontier, as being contrary, both to the state and the Federal Constitution. They also recommended the repeal of an act directing the deed of Job Wood and Theoda, his wife, to be given in evidence, for that it was unconstitutional, as the deed was void for want of proper acknowledgment indorsed thereon and recorded at length therewith, so that the title did not pass, but remained vested in the said Theoda.

The censors of 1820 had serious doubts at first as to the expediency of calling a convention. But being impressed with a deep sense of the positive defects in some of the most essential provisions of the Constitution, particularly in the too great and very unequal representation in proportion to population; the want of sufficient and well-defined checks on the legislative branch, to guard against hasty and inconsiderate proceedings that all bodies thus constituted were but too liable to adopt; the manifest impropriety that the representatives and Executive Council, who had the power of appointment, should also have the right to be elected into the various civil offices in the state; the inability of the governor constitutionally to perform the most trivial duty without the concurrence of the council; and the holding of place by the judges of the highest judicial tribunal merely by the courtesy and at the good pleasure of the legislature,—they finally became unanimous in the opinion that the then present season of public and political harmony should be embraced to give to that important subject the most cool and dispassionate consideration. Therefore, to remedy those defects, they proposed five articles of amendment, none of which were adopted by the convention called by them. They proposed that the supreme legislative power should be vested in the House of Representatives and the council; that representation should be apportioned among the counties according to population, and upon a ratio that would greatly lessen the number; that members of both branches of the legislature should, during their term, be ineligible to certain civil offices within their gift; that the supreme executive power should be exercised by the governor; and that the judges of the Supreme Court should be elected for seven years.

As to whether the Constitution had been preserved inviolate, the censors found that the several departments of the government had been generally directed in the execution of their functions by the provisions thereof; but they thought that certain acts of the legislature, passed within the last septenary, were unwarranted thereby, such as private acts of suspension and insolvency, and acts granting new trials at law. But they thought it justice to remark that such acts were not peculiar to that septenary, but had been passed more or less almost from the commencement of the government.

As to whether the legislative and the executive departments had assumed to themselves to exercise other or greater powers than they were entitled to by the Constitution, they found that, probably under a misconceived view of its powers,

the legislature had granted new trials at law in cases that had been prosecuted to final judgment, had set aside and declared those judgments void, and ordered the cases brought forward anew on the docket to be reheard as though no judgments had been rendered therein. These, they said, were judicial acts, and therefore in contravention of the constitutional provision that the several departments of the government should be kept distinct, so that neither should exercise the powers properly belonging to the other.

The censors of 1827 proposed three articles of amendment ; one, providing for a Senate; one, concerning the veto power; and one, providing that no person who was not already a freeman of the state should be entitled to exercise the privileges of a freeman unless he was a natural-born citizen of this or some one of the United States, or had been naturalized agreeably to the acts of Congress.

The first and the second articles were rejected by the convention by a vote of 182 to 47, and the third was adopted by a vote of 134 to 92. This was the first amendment of the Constitution of 1793. It was not incorporated into the body of that instrument, but left to stand as a separate and distinct article, as were all subsequent amendments.

Whether a person not owing allegiance to the United States could be a freeman under our Constitution was a question often agitated. The Constitution was equivocal in its terms, and different constructions of it, and different practices under it, prevailed in different parts of the state. To settle the question, said amendment was proposed and adopted. Besides, it was thought grossly improper to admit to participation in the election franchise those who owed no allegiance to the country.

Concerning the proposed amendment for a Senate, the censors said that if reasons were necessary to show the expediency of its adoption, they might be found on every page of our political history ; and they referred to the notorious instability, not to say fickleness, of our legislation ; to the continued fluctuation produced by laws hastily and inconsiderately passed ; and therefore necessarily altered or repealed, and instanced the successive and rapid changes in the laws relating to the judiciary department ; and further, they said that the unfortunate collision that had for some time existed between the Executive Council and the General Assembly, called loudly for the interference of the freemen. But these reasons did not convince the convention, as similar reasons had several times failed to convince former conventions.

They animadverted upon two particulars in which they thought the Constitution had been violated. One was the practice, which they said had obtained until recently, of passing acts exempting individuals from the operation of the general laws of the land, such as acts of suspension, granting new trials, and granting appeals where none were allowed by law. They hoped, however, that the decisive interposition of the courts in holding those acts void would thereafter prevent their passage.

The other particular was, that persons holding offices of profit and trust under the authority of Congress had been permitted to hold seats in the legislature, and been appointed to and held judicial offices under the authority of the state. They went further, and said that the practice, if it had obtained, of depositing in the hands of a friend, a resignation of an office incompatible with a seat in the legislature, with a view to obtain a seat, and to withdraw the resignation after the session was through, was a mere evasion of the Constitution.

With these exceptions, the censors thought that all the departments of government had been conducted with a scrupulous regard to the constitutional land-marks,



and with a purity of purpose calculated to sustain and perpetuate our free republican system.

The censors of 1834 proposed twenty articles of amendment, alterations, and additions to the Frame of Government, twelve of which were adopted, and they are two to thirteen, inclusive, of the Articles of Amendment as they now stand. The articles providing for a Senate were adopted by the convention of 1836 by a majority of three, and a motion to reconsider was lost by a majority of nine.

The Democrats were generally opposed to a Senate, and the amendments providing for one would have been rejected had they not been supported by several members of that party. But as two of those members straightway became ready to change their vote, and as another member of the convention who had voted for the amendments was necessarily absent, it was supposed that a majority could be obtained against the amendments, and therefore the motion to reconsider was made, the result of which was a surprise to the movers, but was accounted for by the fact that several who had voted against the amendments in obedience to their instructions, had become anxious for their adoption, and as the sense of the convention had been fairly taken, they voted against reconsideration.

The necessity for a Senate had become more apparent in 1836 than it had ever been before. From 1786, when the Constitution was so amended as to require bills to be laid before the governor and council for their revision, concurrence, and proposals of amendment, and to authorize them to suspend bills till the next session, until 1826, a period of forty years, no bill had ever become a law without their concurrence. Whenever a suspended bill again passed the House, it was again sent to the governor and council the same as other bills were; and although the correctness of this course was occasionally questioned by some members of the House, it was not by any considerable number until 1826, when, for the first time, the House passed a suspended bill, and declared it to be a law, without sending it to the governor and council. Thereupon the latter passed a resolution that the House had no authority to pass a bill without their concurrence, and that its doing so was an infringement upon their constitutional powers and prerogatives. On this resolution being sent to the House, it in turn resolved that it had the constitutional power to pass into a law without the concurrence of the council a bill that had originated in the House and been suspended by the council. Thus was the issue formed, without an arbiter to decide it, except the parties themselves. The House thereafter acted upon its decision in repeated instances, and as the case stood in 1836, all legislative authority was denied the Executive Council, which made it a useless appendage to the assembly; subject to its will and under its control in all matters of legislation, and therefore no longer worthy of existence. Besides, the House still further encroached upon the powers of the council by denying it the right of originating bills, a right clearly conferred upon it by the Constitution.

The proposals of amendment necessitated by the change introduced by the substitution of a senate for the council were adopted by a large majority, as was the proposal concerning the writ of *habeas corpus*, which was defeated in 1814.

The rejected proposals provided that sheriffs, high bailiffs, and states' attorneys should be elected by the counties, judges of probate, by the districts, and justices, by the towns, instead of by the legislature; that proposals of amendment by the censors should be made directly to the people for their adoption or rejection, instead of calling a convention; and gave the legislature power to divide the state for the election of senators into convenient districts, among which the senators were to be apportioned according to population, all laws enacted for that purpose, as long as



they remained in force, to supersede and suspend the constitutional provision for electing senators by counties.

The censors of 1841 proposed ten articles of amendment, none of which were adopted by the convention of 1843. They fixed the second Tuesday of October for holding the general state election, and the first Tuesday of January for the meeting of the legislature. They gave official tenure of three years to senators, and classified them so that only one-third would go out of office each year, thereby always insuring a majority of that body with some legislative experience. They increased to seven years the official tenure of the judges of the Supreme Court, with a view to rendering the judiciary more independent, and provided that sheriffs and high bailiffs should be elected by the freemen of the counties, and justices by the freemen of the towns, and that the censors should propose amendments directly to the people instead of calling a convention. They also altered the manner of making returns of votes for governor, lieutenant-governor, and treasurer, by authorizing the forwarding by the proper officers of certificates of the number of votes cast, instead of sending the votes themselves.

The censors of 1848 proposed fifteen articles of amendment, ten of which were adopted by the convention of 1850, and are numbered 14 to 23 inclusive of the present Articles of Amendment. They provided, among other things, for the election of county officers by the freemen of their respective counties, judges of probate by the freemen of their districts, and justices by the freemen of the towns.

The censors of 1855 proposed many important amendments that would have worked radical changes in the Constitution had they been adopted; but the convention of 1857 would not consider them on their merits, because the ordinance by which the convention was called, limited the number of delegates therein to ninety, and apportioned them to the several counties. Constitutional conventions had always before been called to consist of one delegate from each town, and the convention of 1857 resolved that by calling that as they did, the censors acted unwisely, and exceeded their constitutional powers.

The censors of 1862 met in the midst of the Rebellion, and deemed it inexpedient to propose any amendments.

In 1870 the Constitution was amended by adopting biennial sessions of the legislature, and by abolishing the council of censors, and providing for the submission of proposals of amendment by the General Assembly to a direct vote of the people.

The twenty-seventh and twenty-eighth Articles of Amendment were proposed by the General Assembly, at its session in October, 1880, concurred in at its session in 1882, and the proclamation of their adoption by a vote of the freemen of the state was made by the governor and secretary of state on April 10, 1883.

Article twenty-seven requires an oath by senators and representatives that they do not hold an office of profit or trust under the authority of Congress, and defines what such an office is. Article twenty-eight requires the secretary of state and the auditor of accounts to be elected by the freemen of the state on the same ticket with the governor, lieutenant-governor, and treasurer.

Thus have I sketched, and with substantial accuracy I trust, the making of our Constitution. Few state documents have a more interesting history. It has, on the whole, served its purpose well; and although doubtless susceptible of further improvement, it is, in its present form, reasonably satisfactory to the people.

## CHAPTER CIX.

### THE JUDICIAL HISTORY OF VERMONT.

BY RUSSELL S. TAFT, A.M.

#### PRE-REVOLUTIONARY.

**P**RIOR to the Revolutionary War the present state of Vermont was included in the limits of the province of New York, the Connecticut river forming the eastern boundary. At the time of the conquest of Canada in 1760, the only white settlements in the state were in the six towns bordering on the Connecticut north of the Massachusetts line, and the number of settlers was probably about three hundred. After the termination of the French War, and Treaty of Paris, by which Canada passed under the control of the English, settlements were soon made as far north as the valley of the Winooski west of the Green Mountains, and Essex county in the easterly part of the state.

**ALBANY COUNTY.**—In 1763, before any attempt was made to organize any county within the present limits of the state, Lieutenant-Governor Colden issued a proclamation commanding “all judges, justices and other civil officers,” holding commissions under New York, “to exercise jurisdiction in their respective functions, as far as to the banks of the Connecticut River.” That it was difficult to execute process, if any issued, is apparent from the petitions for a new county, in which it is stated, “there can be no passing from Connecticut River to Albany without going through the province of the Massachusetts Bay; and as soon as the officer gets across the line of the province, his office leaves him, and the delinquent makes his escape.”

Many justices of the peace were appointed; but their precepts could not be served for the reason stated. A meeting of the justices of the peace and quorum was held at Rockingham, in February, 1766, and constables were appointed for some of the towns. It required a guard of a dozen men to convey safely a prisoner or a debtor through the woods and over the mountains to the jail at Albany. The whole of Vermont was nominally within the limits of Albany county; but it being impossible to execute the process of its courts on the easterly side of the mountains, Cumberland and Gloucester counties were organized in that part of the province in 1766 and 1770 respectively. After the latter year Albany county embraced only the territory in Vermont west of the mountains. At this time (June, 1770) suits in ejectment against the settlers to recover lands in and near Bennington were brought to trial at Albany. Ethan Allen was appointed by the settlers an agent to defend the suits. He obtained copies of the Royal orders and instructions, by virtue of which Governor Wentworth of New Hampshire had made grants and given patents of the lands in question, and employed Mr. Jared Ingersoll, an eminent barrister of Connecticut,

to appear for the settlers. Upon trial the orders and instructions were excluded as evidence, and judgments passed for the plaintiff. Mr. Kemp, the king's attorney, observed to Mr. Allen that the people "should be advised to make the best terms possible with their landlords, for might often prevailed against right;" when Allen made his noted reply that, "The Gods of the valleys are not the Gods of the hills."

Mr. Kemp asked for an explanation; and Allen replied, that if he would accompany him to Bennington the phrase should be explained. Failing to obtain redress in the courts, on Mr. Allen's return to Bennington, the "Vermontese" met, and resolved to defend their rights by force; and, under his leadership, associations were formed for the purpose of resisting the officers. A military organization was effected, with Mr. Allen as colonel commandant, and in the vigorous language (undoubtedly of the colonel) the settlers gave "all the land-jobbers of New York an invitation to come and view the dexterity of our regiment." After the organization of Gloucester county in 1770 all the territory west of the mountains was within the limits of Albany county, with the city of Albany as county seat. The sheriff of the county, with a *posse comitatus* numbering seven hundred and fifty men, attempted to serve a writ of possession against James Brackenridge, of Bennington. The "Green Mountain Boys" assembled to the number of three hundred, and presented so formidable an appearance, that the sheriff and his *posse*, "not being interested in the dispute, made a hasty retreat; so that a musket was not fired on either side." Writs of ejectment were still issued and judgments obtained, but when an execution or writ of possession was issued it was a matter of certainty that the officer attempting to make service would experience a vigorous application of the "beech seal" or "twigs of the wilderness." So many of the recalcitrant settlers were summoned to the City Hall in Albany, in which the blind goddess purported to hold sway, that a meeting of the settlers was held at Bennington to devise means to get rid of the building. Several modes of blowing it up were suggested, when Ethan Allen, to divert their minds from that manner of destruction, proposed that Sim Sears, a famous land speculator, noted for selling property that did not belong to him, "be employed to sell the d——d thing."

CUMBERLAND COUNTY, established by ordinance of the governor and council of the New York province, dated July 3, 1766, was the first county organized within the limits of Vermont. It embraced, substantially, the present counties of Windham and Windsor. Chester was made the county-seat, and provision made for the erection of a court-house and jail at that place. A court of Common Pleas and General Sessions of the Peace was authorized to be held semi-annually, each session being limited to four days, and the two courts authorized to sit at the same time, in order that business might be "constantly proceeded in, and all unnecessary attendance avoided." In 1772 Westminster was selected as the shire town, and it so remained until the sessions of the New York courts ceased in March, 1775. The judges of the Inferior Court of Common Pleas were: Thomas Chandler, of Chester; Joseph Lord, of Putney; and Samuel Wells, of Brattleboro. Their commissions were first dated 16th July, 1766, were renewed in April, 1768, and again four years later, when, Judge Lord being then "at the sixty-eighth year of his age, and troubled with great deafness, loss of memory, dimness of sight, and a paralytic tremor in his hands, Noah Sabin was added to the bench, Judge Lord to continue in office, but to take only as little share of the burden of the office as should be agreeable to him." Biographical notices of these judges may be found in "Hall's History of Eastern Vermont." They were the only judges appointed in this county prior to March, 1775, after which time no sessions of the courts were held, although commissions were issued to judges at a later date.



John Chandler, Crean Brush and Samuel Gale were, successively, clerks prior to the year 1776; and Solomon Phelps, Micah Townsend, Charles Phelps and Samuel Knight were commissioned as attorneys-at-law. Assistant-justices of the Court of Common Pleas were appointed, as well as many justices of the peace.

A court of Oyer and Terminer and general gaol delivery, at which Hon. Robert R. Livingston, one of the judges of the Supreme Court of Judicature for the Province of New York, attended, was held at Westminster in July, 1774. To constitute such a court it was necessary that one of the Supreme Court judges should attend. In March, 1775, the people became so excited over what they deemed to be grievous wrongs and injustice inflicted upon them that they determined that the administration of justice in the hands of Tories should cease; and, "such proceedings were thereupon had," that the riot in respect thereto culminated in the death of William French and Daniel Houghton, and effectually closed the New York courts in this county, and none were afterwards held. An accurate account of the transactions may be found in the history above mentioned.

GLOUCESTER COUNTY.—The territory in the province west of, and contiguous to, the Connecticut river and north of Cumberland county, was established as the county of Gloucester, by ordinance passed March 16, 1770; and on the succeeding day John Taplin, of Newbury; Samuel Sleeper, of Bradford; and Thomas Sumner, of Newbury, were appointed judges of a court of common pleas. Samuel Sleeper was a Quaker preacher, who moved to Newbury from New Hampshire in 1762, but, being "moved by the spirit," he created disturbance in the religious meetings by interrupting the minister while preaching, with laudatory or condemnatory ejaculations. For this grave offence he was confined in a cellar, and threatened with "thirty lashes in full tale" should he continue to exhibit his peculiar propensities. He was released upon his removing to Bradford, then Moretown, that he might more fully enjoy his religious freedom. It is not stated that his conduct while residing in Bradford differed from that in Newbury, but it met with such approval from the authorities that he was appointed a member of the judiciary. He attended the first session of the court, and in 1772 Jacob Bayley, of Newbury, was substituted in his place.

In 1774 John Peters, of Bradford, was appointed one of the judges. Assistant judges and justices of the peace were appointed. Kingsland, where the town of Washington is now located, was selected as the county-seat; it was an unsettled and mountainous town, without an inhabitant and eight miles from any settlement. A town plot was laid out into village lots, and in the centre of the plot a log-jail was erected which gave the name "Jail Branch" to a tributary of both Winooski and Wait's rivers. The court met for the first time on the 29th day of May, 1770, the three judges being present, and "opened as is usual in other courts." The court docket states: "N. B. These courts were the courts of Quarter Sessions and the Court of Common Pleas for said county." Justices of the quorum were present. John Taplin, Jr., was high sheriff and John Peters, clerk. The court adjourned without transacting business until the last Tuesday in August, 1770, when constables were appointed for some of the towns, and an order made "that the plaintiff filing declaration in the clerk's office eight days before the court should be a barr to the defendant's imparlance." At the following term, in November, 1770, eight cases appear upon the docket, and, notwithstanding the supposed pacific disposition of the Quaker, Judge Sleeper, he appears as plaintiff in one and defendant in another. He was not present either as judge or party; and one of his cases was entered "action called, put over," and the other, "Nither appearing, nothing done." The other



causes were "put over," or adjourned to next term. Court adjourned to the last Tuesday in February, 1771; and the record of the term following is in these words, namely :

"Feb'y 25th, 1771, Sett out from mooretown for Kings Land, traveled until Knight, there Being No Road and the Snow very Deep; we traveled on Snow Shoes or Racats; on the 26th we travelled some ways and Held a council, where it was Concluded it was Best to open the Court, as we Saw No Sine it was not whether in Kingsland or Not. But we concluded we were farr in the woods; We Did not expect to see any House unless we marched three miles within Kingsland, and No one Lived there when the court was ordered to be opened on the spot.

Present :

JOHN TAPLIN, Judge.

JOHN PETERS, of the Quor<sup>m</sup>

JOHN TAPLIN, Sheriff.

all Causes Continued or adjourned over to Next tirm the Court, if one adjourned over untill the last tuesday in may Next."

In May the court succeeded in reaching the court-house, and the session was opened "att Kingsland" by proclamation. A recognizance, "Dated some time agoe," in a bastardy case from Newbury, was adjudged to be forfeited, two judgements rendered and two causes continued, when the court adjourned until the August term. There is no record of any subsequent term until that of May, 1772, when, no business being transacted, court adjourned until the last Tuesday in August, to the town of Newbury. At this time the settlements on the west side of the Connecticut extended far north towards the Canadian line; many families residing in Maidstone. The people required courts more easily reached than those held in Kingsland, and on the 9th of April, 1772, the provincial government passed an ordinance directing the court to hold a session in Newbury on the last Tuesdays in February and August, "during the space of seven years." After this date terms were regularly held at Kingsland in May and November, and at Newbury in February and August, until February, 1774. The court docket, until and including this term, is in the Orange county clerk's office, and is the only known record of the court. John Peters was clerk until June, 1774, when John Lawrence was appointed. The docket, when Mr. Peters was clerk, covers all the terms save August, 1771, to February, 1772, inclusive, and the last one of his clerkship. The court appointed constables for the towns, and granted licenses to keep tavern; the keepers were generally required to find sureties that they would "keep a good house," "keep a good and regular tavern," etc. Occasionally no business was done at a term. Causes were referred, jury trials had, and grand juries summoned. At one term six of a panel of grand jurors were named Chamberlin. No one of the name was indicted at that term, but at a subsequent term one of the six, Richard Chamberlin, was indicted for murder. There is no subsequent mention of the case in the docket; but Richard evidently was himself again, for he and two of his namesakes appear as members of the next grand inquest.

At the February term, 1773, Rebecca Martin complained of Hezekiah Sillaway, at one time surveyor of highways and constable at Bradford, for that he did beget her with child. It appearing that the child was born "ten yearly months and one day from the time she swore he begat it, the court having considered the matter, clears the said Hezekiah from the charge laid against him by the said Rebecca." Aulus Gellius, who wrote in the third century that the utmost period of gestation was in the eleventh month, was no authority in the courts at Newbury. The grand jury indicted the damsel for the crime of lewdness. At one term, when but two judges were present,

"it was disputed whether two made a cor——." Five precepts were returned, but the president of the sessions declared "all causes to rest or continue untill nex terme."

At the August term, 1773, the court met at the house of Mr. Robert Johnston, in Newbury, and on the third day of the term "adjourned to the building intended for a court-house and gaol in the township until four o'clock this afternoon." Votes were then taken at the quarter sessions in relation to accepting a "logg' gaol and fraim for a court-house," and for finishing it so as to be comfortable and convenient for a family and for holding court and for holding sessions, etc., "not over-nice in doing it." It was voted to petition the provincial assembly to lay a tax on the county of £400 to finish this building in Newbury in part and "to doe something att Kingsland toward repairing that gaol and court-house." At the first term held in Newbury, August, 1772, John Grout, who had been licensed as an attorney under the hand and seal of the governor and commander-in-chief of the province, was admitted as an attorney. He then moved to enter ten actions, the defendants all being in custody of the sheriff, but the court refused to take cognizance of them for the reason that at the time the writs were issued Grout was not an admitted attorney of the court, although he was licensed as an attorney by the governor. At a subsequent term Mr. Grout, who resided in Chester, appeared "by his agent Mr. Phelps." How many sessions of the court was held after June, 1774, is uncertain. I find nothing to indicate any; and as they ceased in Cumberland county the following March, it is safe to infer that they did not continue long after that period in Gloucester county.

CHARLOTTE COUNTY.—In 1772 the northerly part of Albany County lying on both sides of Lake Champlain, including western Vermont north of the Battenkill at Manchester, was organized as Charlotte County.

In April, 1772, twenty-six inhabitants of Socialborough, which included, under a New York charter, the whole or part of the towns of Rutland and Clarendon, petitioned for the establishment of the shire at that place; while twenty-one of the residents of that town, with others of the New York towns of Crown Point, Ticonderoga, and Skenesborough (now Whitehall) asked that the latter be made the county-seat. The New York executive and council deemed it prudent to locate the Court House at a greater distance from the grants; for on the 8th of September, 1773, it was ordered by his excellency, "with the advice of the council, that an ordinance issue establishing a court of common pleas and a court of general sessions of the peace to be held annually in the county of Charlotte at the house of Patrick Smith, Esq., near Fort Edward, on the third Tuesdays in the months of October and May."

On the same day Philip Schuyler was appointed judge of the Court of Common Pleas, and Patrick Smith county clerk; the first session was held in October, 1773. In 1774 there was no jail nor court-house in the county, and the legislature passed an act reciting that "A great part of the said county, being involved in a state of anarchy and confusion, by reason of the violent proceedings of riotous and disorderly people, from whence it must, at present, be extremely difficult, if not impracticable, to bring offenders to justice within the said county," and providing that the courts in Albany county should have jurisdiction of crimes committed in Charlotte county.

The government of New York also passed the most despotic and blood thirsty act that ever was enacted in America, which contained a provision that, if offenders should be indicted for certain capital offences, they should be adjudged to be convicted and attainted of felony, and should suffer death, as in cases of persons convicted and attainted of felony by verdict and judgment, and the courts were author-

ized to award execution the same as if they had been convicted. Death was the penalty under the New York law to be inflicted upon any one assuming judicial power unauthorized by that state, and upon rioters for demolishing an out-house or destroying even a sheaf of wheat in any enclosure. The people of New York sympathized with the settlers, and the processes of the courts of Albany and Charlotte counties were disregarded by the settlers in Vermont, and forcibly resisted if necessary.

No resident of the state ever held any judicial position in the courts of either county, unless that of justice of the peace. Of the latter there were John Muuro, of Shaftsbury; Benjamin Hough and Mr. Spencer, of Socialborough; Bliss Willoughby and Ebenezer Cole, at or near Bennington; and George Gardner, of Pownal. But the exercise of their judicial functions was not a pleasant pastime. No session of the courts of either county was ever held in Vermont, and their jurisdiction, save in theory, never extended over it.

After the sessions of the New York courts ended, in 1775, no judicial organizations existed in Vermont until the special courts were established in 1778.

THE VERMONT COURTS—THE SPECIAL COURTS IN 1778.—The organized government of Vermont began in 1778. The first Constitution, Chapter II., Section 4, provided that "courts of justice shall be established in every county." The first legislature met on the 12th of March, 1778; adjourned on the 26th to the 4th day of June; then meeting, continued in session two weeks, when it adjourned and did not again meet. At the March session two counties were established—Bennington in the west and Cumberland in the east. Two shires were created in each, Bennington and Rutland, Westminster and Newbury. County and inferior courts are mentioned in the legislative records; but there is no evidence, record or traditionary, that any were organized that year. At the first session special courts were established. On the 24th of March the Assembly records show the following vote, namely: "Assembly made choice of Gen. Jacob Bayley, first judge; Mr. Jacob Burton, second; Mr. William Heaton, third; Mr. Reuben Foster, fourth, and Capt. John French, fifth, judges for the shire of Newbury; Major John Shepardson, first; Mr. Stephen Tilden, second; Hubbell Wells, Esq., third; Deacon Hezekiah Thompson, fourth, and Nathaniel Robinson, Esq., fifth, judges for the shire of Westminster; Major Jeremiah Clark, first; Capt. Samuel Robinson, second; Lieut. Martin Powel, third; Capt. John Fasset, Jr., fourth, and Lieut. Thomas Jewett, fifth, judges for the shire of Bennington; and Joseph Bowker, Esq., first; Major Heber Allen, second; Charles Brewster, third; Capt. John Stark, fourth, and Capt. Jonathan Fasset, fifth, judges for the shire of Rutland." There is nothing in the record of the election of judges to indicate the name of the court, but in the journal there is the record of a vote "that the special courts appointed in the several shires," etc.; and on the day of the election of the judges as above stated, Watts Hubbard, Jr., was recognized to "appear before the special (court) of the half shire of Westminster, when summoned thereto," etc. Special courts are mentioned in the Assembly records of the fifth day of June, several days prior to the election of judges of the special courts of the June session. The day preceding the final adjournment of the latter session, the Assembly—

"*Voted*, That the following persons, viz.: John Shepardson, Esq., Stephen Tilden, Esq., Hezekiah Thompson, Esq., Col. Samuel Fletcher and Mr. Joshua Webb, be, and they are hereby, appointed judges of a special court in the shire of Westminster.

"*Voted*, That Deacon Smalley, Deacon John Burnet, William Heaton, Esq., Mr. Benjamin Baldwin and Reuben Foster, Esq., be, and they are hereby, appointed judges of a special court for the shire of Newbury.



"*Voted*, That Samuel Robinson, Esq., Martin Powell, Esq., John Fasset, Esq., Thomas Jewett, Esq., and Maj. Gideon Olin, be, and they are hereby, appointed judges of a special court for the shire of Bennington.

"*Voted*, That Thomas Rowley, Esq., Maj. Heber Allen, Capt. John Stark, Capt. Jonathan Fasset and Theodus Curtis, be, and they are hereby, appointed judges of a special court for the shire of Rutland."

I am not aware that there are any records of these special temporary courts in existence, if, indeed, any were kept. David Redding was tried and convicted of treason, before that, in the shire of Bennington, Ethan Allen, state's attorney, and Zerubbabel Mattison was fined for "enimical conduct" by the same court. I learn nothing from the records as to the powers and jurisdiction of the special courts, but in the absence of all other courts it is probable they took jurisdiction of all matters in controversy brought before them, both civil and criminal, with the sole exception of the banishment of Tories, for which a superior court was created at the June session, with Colonel Peter Olcott, of Norwich, the grandfather of Mrs. Rufus Choate, Bezaleel Woodward, of Dresden, N. H., Major Griswold, Patterson Piermont, Esq., and Major Tyler, as judges. I think no other courts were organized in Vermont in 1778 until the special courts ceased to exist. Justices of the peace were appointed at the October session, and among them were Special Judges Samuel and Nathaniel Robinson, Fasset, Jr., Powell, Webb and Wells. Special Judges Powell, Bowker, Bayley and Shepardson were appointed judges of probate in their respective districts. There were no lawyers in the state, save those adhering to the New York government; nevertheless the Assembly appointed Captain Coffein, of Cavenish; Mr. Rowley, of Danby; Ensign Harris, of Halifax; Mr. Alverd, of Wilmington, and Mr. Jewett, of Pownal, a committee to "prepare a bill to regulate attorneys," and on the next day their report relative to providing attorneys for the county courts, regulating their fees, etc., was accepted.

The common law was established as the law of the land. Of the twenty judges elected in March, twelve were re-elected in June, with eight new ones, so that under both elections there were twenty-eight persons who served as judges. They were not lawyers, for no lawyer in the state acknowledged its jurisdiction; it was not the custom in the state for many years to select lawyers for judicial positions. A glance at their names will convince one that they were men of strong common sense, of marked distinction in their day, and as well qualified to adjust the differences between their fellow men, in the times in which they lived, as Chief-Justice Fuller and his colleagues are to settle the abstruse and complicated questions of to-day.

Seventeen of the twenty-eight were members either of the governor's council or the assembly at the time of their election. As might be expected, many of the judges were military men. The judges of the Bennington shire were all fighting men, headed by that sturdy patriot Jeremiah Clark, who with his sixteen-year-old son fought at Bennington, and who presided at both trials of Redding and passed sentence of death upon him. There were one general, one colonel, four majors, six captains, two lieutenants, five esquires, three deacons, four misters and plain Charles Brewster and Theodus Curtis. The acts authorizing the special courts were regarded as temporary merely, to last only until the next session of the legislature, even if there were several sessions annually.

THE SUPERIOR COURT, 1778-82.—The stirring events of the first year of Vermont's existence preclude the idea that there was much business for the courts; in fact, the only business prior to December of which we have tangible evidence was the trial of Redding for treason, and of Zerubbabel Mattison for "enimical



conduct." That all laws passed in 1778 were but temporary and designed to last only until the succeeding session may be inferred from the vote of the General Assembly passed the day before final adjournment in October, "that all the bills passed the two sessions preceding this (except the act forming the special court, and the act respecting banishment) be revived until the next session of this assembly." The act creating the special courts was not revived, as a substitute for them had already been provided by a prior vote, namely :—

*"Resolved, That the Hon. Moses Robinson, Esq., be, and is hereby, appointed Chief Judge of the Superior Court, and Maj. John Shepardson, second; John Fasset, Jr., third; Maj. Thomas Chandler, Fourth; and John Throop, Esq., fifth; judges of said Court."*

The Assembly voted that the court should not sit longer than one week at one sitting, and should convene four times each year,—at Bennington, on the second Thursday of December; at Westminster, on the same day in March; at Rutland, on the ——; at Newbury, on the same Thursday in September. Nothing in the legislative records indicates the passage of any act relating to the powers or jurisdiction of the court. If one was enacted, it has passed into oblivion with the other statutes of that year, for no copy of the acts of the year 1778 is now known. In February, 1779, it was enacted that all writs, pleadings and entries should be in the English tongue and no other; and at the same time one superior court, for the year ensuing, was established. The powers and duties of the judges, one chief, and four others, those of the clerk, the jurisdiction of the court, and the times and places of its sessions were defined, and an act passed for the directing and regulating of civil actions. At the same time it was enacted that as no county courts had been established, all causes within the jurisdiction of those courts should be heard in the Superior Court. At the October session, 1779, it was provided that the judges of the Superior Court should be chosen annually by the joint ballot of Governor, Council, and House of Representatives. It was also enacted that the Superior Court should be a court of equity in all causes where the matter or cause in dispute was above twenty pounds, and did not exceed four thousand pounds lawful money, and that causes exceeding four thousand pounds should be heard by the Governor, Council, and House of Representatives, but parties could appeal to the latter, from the decisions of the Superior Court. The first Council of Censors criticising the acts giving judicial powers to the legislature as designed to exalt the legislative above the judicial department, that part of the statute which authorized the legislature to hear equity causes was repealed in October, 1786. In February, 1779, divorce was placed within the jurisdiction of the Superior Court. The powers of the several courts were not precisely defined, the county courts were not organized, at least until the year 1781, the business of such courts having been transferred to the Superior Court by special act. In February, 1781, the legislature directed that there should be five judges of the county court, and in April of that year passed an act directing the county courts in their office and duties.

The Superior Court held but one session in each half-shire annually; the county courts were not organized until 1781; the line of demarcation between their respective jurisdictions was so uncertain, the judicial system so confused, that in 1782 "an act defining and limiting the powers of the several courts within this state" was passed, by which the county courts were continued, the Superior Court abolished, and the Supreme Court of Judicature established, the powers of the courts accurately defined, and the times and places of their sessions regulated. The Superior Court ceased to exist in October, 1782. It had been, during the four years of its existence, the only

court at all times open, and, in fact, exercised jurisdiction in all matters. The unfinished business of the special courts of 1778 was by act of the legislature in 1779 transferred to the Superior Court. By the act constituting the Superior Court, it was provided that any one of the governor's council might sit, in the necessary absence of, or just exception against any of the judges of the court. The dockets show that Jonas Fay, Jeremiah Clark, Timothy Brownson and Ira Allen did sit as judges. During the four years of the existence of the court but nine persons acted as judges. At the first election Moses Robinson was elected chief judge, and with him were elected John Shepardson, John Fasset, Jr., Thomas Chandler, Jr., and John Throop. Shepardson and Fasset had served as judges of the special courts in 1778. At the end of the first year Thomas Chandler retired, and Dr. Paul Spooner was elected. In 1780 Dr. Increase Moseley took the place of John Shepardson. Thus there were but two changes in the personnel of the court in the first three years. The sessions were very regularly held, as shown by the docket kept by William Gould, clerk. The docket begins with the May term, 1779, at Westminster, where all the judges were present. The proceedings of the first two terms are printed, in part at least, in Slade's state papers p. 549. The first civil action of which there is a record was a sort of cross between trespass and replevin, for fraudulently taking and detaining a "certain white horse," in favor of William Griffin against Jacob Galusha. The latter pleaded for an adjournment "for want of material evidence," which was granted until the next February, at which time he was defaulted; but later in the day he appeared with his attorney, and a review was granted him upon the payment of £12, 6s., 9d., costs. Upon full trial of the case, the court "having duly considered the same, the evidence, and every attending circumstance relative thereto," ordered the horse delivered to the plaintiff, and the defendant to pay £7, 4s., 6d., more cost.

In 1781 certain towns in western New Hampshire and northern New York united with the towns in Vermont, and at the election of judges in October Elisha Payne, of Lebanon, N. H., was chosen chief judge; Moses Robinson, second; John Fasset, Jr., third; Bezaleel Woodward, fourth, and Joseph Caldwell, fifth, judges of the court. Mr. Payne was deputy-governor of Vermont at the time of his election. Mr. Woodward, a Professor in Dartmouth College, represented Dresden in the General Assembly. This town comprised the Dartmouth College lands in Hanover, N. H. Col. Joseph Caldwell represented Cambridge, N. Y., in the Vermont Assembly. The election of a new chief no doubt was displeasing to Judge Robinson, who had served as chief the three preceding years. In six days after the election he informed the Assembly "that he should not accept his appointment as second judge of the Superior Court," and Paul Spooner was elected in his place. Colonel Caldwell declined on the 23d of October, and Jonas Fay was chosen. On the 26th instant Professor Woodward declined, and the vacancy was filled by electing Simeon Olcott, of Charlestown, N. H., afterwards chief justice of and senator from that state. The General Assembly received a letter from Mr. Olcott dated January 28, 1782, which was probably his resignation or declination, for on the 13th of the following month Gen. Samuel Fletcher, of Townsend, was elected in place of Mr. Olcott, *resigned*, as the Assembly journal reads. Mr. Fletcher declined, and three days later John Throop was elected. Throop had served as judge the three preceding years. Mr. Fletcher, elected and declined, was one of the judges of the Special Court in 1778. There is nothing in the legislative record to indicate that Mr. Payne resigned or declined. The dissolution of the union with the towns in New Hampshire, in February, 1782, made him a non-resident of Vermont, and on the 20th day of June 1782, Moses Robinson was

elected chief judge of the Superior Court. Prior to the election in October, 1781, Judges Robinson, Fasset, Spooner, Throop and Moseley composed the court. During the succeeding eight months ten different persons were elected, one of them twice. At the end of that time the judges were Robinson, chief judge; Fasset, Jr., Spooner, Throop and Fay, the same as in October previous, save Dr. Jonas Fay was in the place of Dr. Moseley. After the election in October, 1781, until June, 1782, but one term of court was held at which any business was transacted; that was at Westminster, on the first Tuesday in January, with Judges Fasset, Spooner and Fay present; some business was transacted, and the court adjourned until the second Tuesday in June.

After the election of the judges in October, 1781, the docket shows that:—

“At a superior court in the county of Washington (which was the county east of the Connecticut River, in New Hampshire), on the fourth Tuesday in Decr. 1781.

Present           ELISHA PAYNE, ESQR., Chief Judge.  
PAUL SPOONER, ESQR., Side Judge.

Dec. 25. The court opened and adjourned to the first Tuesday in June, 1782.

WM. GOULD, Clerk.”

Following the session at Westminster in January, the court convened at Windsor on the second Tuesday, and at Thetford on the third Tuesday of the same month, with Judge Spooner alone present, but adjourned until June; no quorum being present, no business was transacted. There is no docket entry of a term held pursuant to the adjournment at Charlestown, N. H., nor at Thetford, but there was a session at Westminster on the second Tuesday, and at Windsor on the third Tuesday in June; the names of the judges present were not inserted in the docket. Considerable business was transacted at both sessions, with a grand and petit jury in attendance. The judges then residing in the state were Fasset, Jr., Spooner, Throop and Fay, the chief judgeship being vacant until the election of Chief Judge Robinson on the 20th of June, 1782. I do not insert the name of Mr. Olcott in the list of judges, as there is no evidence that he ever acted as such, not sitting even at the term held in the town in which he resided. Judge Payne appeared but once in court, and that at the session held in New Hampshire, and with no quorum present. Nine persons served as judges during the four years of the existence of the court,—military men mostly: there were one major-general, one colonel, two majors, two captains and a surgeon. After June, 1782, the terms were regularly held with juries in attendance; and, notwithstanding the turmoils of the war then raging, litigants found time to assert their rights in the courts. All but two of the judges were members of the legislative bodies at the time of their election. Biographical notices of the judges are found in the records of the governor and council lately published. Three of the nine were physicians, four natives of Connecticut, five of Massachusetts.

THE COUNTY AND SUPREME COURTS.—The early Vermonters strongly supported the Declaration of Independence, especially the charge in it against King George, the Third, “For transporting us beyond seas to be tried for pretended offences.” They opposed, with arms, the extraordinary act of the New York legislature, providing that the courts in Albany county should have jurisdiction of crimes committed in Charlotte county, that vast stretch of country bordering on both sides of Lake Champlain, extending north to the Canadian line. They were early and firmly impressed with the idea that they ought to be tried for their offences in the vicinage, and by impartial men, for they remonstrated against the election of the “Friends of Ministerial Tyranny and Usurpation,” as they “could perceive no dif-



ference between being halled to Great Britain for Tryal or being Tried by these tools amongst ourselves." So earnest were they in this belief, that it found embodiment in the first Constitution, and the provision has been continued since, and still is the organic law of the land, in that article, which reads: "Courts of justice shall be maintained in every county." The only purpose for which a county in Vermont was ever organized was to serve as a district in which courts might be held. The ever-present justice of the peace is a justice not for the state, but "within and for the county," and as such he has exercised jurisdiction in the prosecution of inferior crimes, misdemeanors and petty civil causes, since the organization of the state government, but his jurisdiction has been limited by the confines of his county. When courts were established, at the first session of the legislature in March, 1778, it was provided that there should be in every county a County Court, and by that name it has become, and now is, the only court for the trial of questions of fact in all important cases cognizable at common law. The first act constituting them is not in existence, but it is evident they were established from the titles of votes passed, one, of which read as follows: "Voted that the report by the committee, relative to providing attorneys for the County Courts, regulating their fees, etc., be accepted." At the June session it was voted that the Special Courts were not deemed County Courts, etc. County Courts were not organized, however, until 1781. The Superior Court, from 1778 to 1782, and the Supreme Court since the latter date, were required to meet in each county.

The Supreme Court may be said to date from the year 1782. The highest court, prior to that date, although it is sometimes called the Supreme Court in the records, was styled, in the act establishing it, the Superior Court. When, in 1782, the legislature deemed it essential to exactly limit and define the different powers of the several courts of justice, the highest court was styled the Supreme Court, and such has been its title since. It was provided that it should be held and kept annually in each county by one chief judge and four other judges. The act took effect in the autumn of 1782, and since that time jurisdiction of all matters of litigation of a general character, including the prosecution of crimes and divorce, has been vested in the county and supreme courts. The judicial officers of the Supreme Court have always been styled the chief judge and assistant judges, except in the act of 1824, in which they were called justices. The powers given the Supreme Court, in the act creating it, were, that the judges "shall have cognizance of all pleas of the state, criminal actions and causes, and whatsoever relates to the conservation of the peace and punishment of offenders, whether the same be brought into said court by appeal or by an original process, according to law, and also of civil causes or actions between party and party, and between this state and any of its subjects, whether they do concern the realty and relate to any right of freehold and inheritance, or whether the same do concern the personalty and relate to matters of debt, contract, damage, or personal injury, and also all mixed actions which concern both realty and personalty brought before them by appeal, review, writ of error, or in any legal way whatsoever." The county courts were given jurisdiction of all criminal matters of every name and nature, except of such offences as were cognizable only in the Supreme Court. The jurisdiction, therefore, of the county court was substantially the same as that of the Supreme Court. The latter was given appellate jurisdiction of matters in the county courts.

It is evident that the greater part of the litigation for many years was in the Supreme Court. Writs of error could be brought in that court only. As the law stood at first, in causes brought in the county court, four jury trials might be had, two

in that court, and, on appeal, two in the Supreme Court, a review being permitted in both courts. The judges of the Superior Court had been elected annually in October, and the act creating the Supreme Court provided that the judges should be elected by the legislature at the same time, by ballot.

At the first election in October, 1782, Moses Robinson was elected chief judge and Paul Spooner, John Fasset, Jr., and Jonas Fay were elected assistants. They were then serving as judges in the Superior Court. John Throop, who was then serving as one of the Superior Court judges, was omitted, and Peter Olcott elected fourth assistant. Our judicial system was derived, substantially, from Connecticut, and in that colony the judges were not permitted to give their opinion to the jury in the first instance even in matters of law; and when the jury had returned a verdict, each judge advised them in favor of or against the verdict, according to his individual opinion; and the views of a majority of the judges prevailed. I infer that this was the custom in the early days of Vermont: the jury decided all questions with the advice of the judges upon questions of law; the duty of the court seems to have been to preserve order in the court-room and see that the parties had fair play, or, as it was sometimes termed, that they "were on an evener." This may have been the reason why so many of the early judges were selected from military life. Questions of law and fact came to be separated, and in 1797 an act required that each judge of the Supreme Court should make his opinion in writing, and the clerk should record it.

It was inconvenient for the court to have but one clerk, rendering it necessary for him to attend every session of the court in every county. An act was passed in November, 1792, making it the duty of the court to appoint one clerk of the court in each county.

In 1794 it was found that the time limited for the sitting of the court, of but one week in each county, was insufficient for completing the business, and the times and places for the annual sessions were changed, so as to allow a longer time in most instances.

No substantial change was made in the jurisdiction of the courts until the revision of the statutes, made by Judge Chipman and Samuel Hitchcock in 1796-7, when the county court was given jurisdiction of all matters civil and criminal, except such as were cognizable in the Supreme Court, and to the latter court was given jurisdiction of all crimes and misdemeanors described in an act for the punishment of capital and other high crimes and misdemeanors; this included substantially all the serious crimes and all causes in which the punishment extended to loss of life and limb, and those in which the penalty was disfranchisement, and civil actions in which the state was a party.

In 1814 an act was passed requiring two sessions of the court annually, a winter and a summer session. The summer session could be held by one judge, a grand and petit jury were required to attend, jury trials were therein had, and any party thinking himself aggrieved by any ruling of the court might allege exceptions thereto at that term, and the same being reduced to writing and signed, the action was thereupon continued to the winter term, when the questions arising upon the exceptions were heard by all the judges. Thus the issues of fact were disposed of at one term, and the legal questions arising thereon at the succeeding term.

In 1821 it was found that having two terms of court caused great delay in the disposition of causes, and the act of 1814 providing for a summer and winter term was repealed.

After the act creating the supreme court, the most important legislation in regard to it was the act of November, 1824. Until that time both supreme and

county courts were *nisi prius* courts, and jury trials were had in both. The county court met twice annually, the supreme court once, except the few years when there was what was called the summer and winter terms of the supreme court. All the main questions of law generally arose upon a jury trial; no argument of counsel upon the question nor consideration by the court, except during the trial, when no great delay could be had for the purpose of examining authorities or considering the questions. The act of 1824 gave the county court original jurisdiction of all criminal matters and all civil actions whatever, except in certain cases of judicial writs, etc. The supreme court was made exclusively a court of law, and all legal questions arising in the county court could pass to the supreme court on exceptions taken to the rulings of the county court, and such questions were then heard and determined in the county court. Since that date no trials involving questions of fact, in common law cases, have been had in the supreme court. The act of 1824 provided that when in a hearing in the supreme court the judges were equally divided in opinion, judgment should be rendered according to the opinion of those who had been present at the jury trial, and in all other cases, upon an equal division of opinion, judgment should be rendered according to the opinion of the chief judge. The supreme court was still continued as a court of equity, and also had jurisdiction of such petitions, not triable by jury, as might then be brought before the court, and were given jurisdiction of writs of error, *habeas corpus*, *mandamus*, *scire facias* and *certiorari*. No appeal from the judgment of the county court was allowed, but all questions of law passed to the latter court by way of exception to the ruling of the county court. Two judges of the supreme court were required to be present at all trials for capital offences in the county court, and if the judges present at such trial were equally divided in opinion, the decision was rendered in accordance with the opinion of the senior supreme court judge.

By an act, which took effect in the fall of 1850, a change was made in the judicial system. A supreme court of three judges, the state divided into four judicial circuits, a circuit judge appointed in each whose duty it was to preside in the county courts, the supreme court judges having no duties to perform in the county courts; each circuit judge was a chancellor, the supreme court having no jurisdiction in equity matters, except as a court of appeals therein. This act continued in force for seven years, and was repealed by an act taking effect in 1857, which restored the act repealed in 1850.

In 1892 it was provided that the sessions of the Supreme Courts should not be held in the respective counties, but that all causes should be heard in Montpelier before the judges who meet in January, May and October annually for that purpose. The expense and delay resulting from compelling counsel to argue their causes at so great a distance from their homes and the discontent of the people arising therefrom, will soon cause a return to the former practice more consonant with the Constitutional provision that "courts of justice shall be maintained in every county in this state and, also, in new counties when formed."

As examples of the litigation in the Supreme Court at an early day, we find that on the 24th day of February, 1787, Moses Robinson, chief judge of the court, ordered a special session to be held, reciting that it was represented to him that there were two "criminals" confined in the jail at Bennington, that had made sundry attempts to break out of said prison; that it was uncertain whether they could be kept until the stated session in August; that it was for the good of society that prisoners charged with any offence should have speedy trial, and with the advice of the two other judges present, Chipman and Knowlton, he appointed Tuesday, the 26th inst.,



(27), as the day of opening said court, for the purpose of trying said prisoners. The trial was held on the twenty-seventh day, and in the first case, *The Freemen of the State vs. Saml. Sherman*, the respondent pleaded not guilty. Among the petit jurors returned were Fillmore, grandfather of the president of that name; Timothy Follett, father of Timothy, who was elected judge of the Supreme Court, in 1845, but declined; and David Fay, who served as judge in the same court in 1809 to 1813. The respondent was convicted by the jury, and the judgment of the court is recorded as follows: "That he, the prisoner, be taken from this place to a place of confinement, that he be taken, between the hours of two and three, this first day of March, to the sign-board, or some other convenient place, and have his right ear cut off, and to be branded with the capital letter 'C,' on a hot iron, and to be committed to the work-house, there to be confined till the day of his death." Such was the penalty for counterfeiting in those days, and such the rapid transit in administering criminal law.

The "criminal," as the chief justice termed him before the trial, petitioned the legislature, then in session, to release him from punishment, and on March 2d he was relieved from being "cropped." The other part of the sentence was ordered executed the same day. One week was sufficient for the whole transaction. The respondent, who was, I think, the post-rider between Bennington and Albany, had no cause to complain of the law's delay.

The other case, *vs. Benj. Glazier*, the plea and verdict was not guilty; but the court rendered judgment, "That he pay cost of prosecution, and stand committed till judgment be complied with." This was under an early statute, since repealed, which compelled the respondent, although innocent, to pay the costs of prosecution if there was reasonable ground for instituting the proceedings. On March 1st, the court adjourned without day.

Luke Knowlton, of Newfane, served as judge in 1786-7. At one time the courts ordered his arrest in consequence of a "dangerous correspondence and intercourse with the enemy." This order was made in November, 1782, and taking the advice of Ethan Allen and others he fled from the state and remained absent a year. He then returned home and was residing there quietly when a party of New York adherents, headed by Francis Prouty, armed with "clubs, swords, pistols and bayonets," assailed his house at 2 o'clock, A. M., in November, 1783, took him prisoner, conveyed him across the Massachusetts' line and there left him. The assailing party were indicted and Prouty was tried in February, 1784, the five judges of the Supreme Court being present. He was indicted for burglary. The verdict was a special one, finding the facts and submitting the question of law to the court. The docket entry reads: "In this case the jury find that the prisoner did break and enter the house of Luke Knowlton, Esq., in the night season, and did take and carry away the said Luke Knowlton, and if the breaking and entering a house and taking and carrying away the prisoner as aforesaid means a burglary, we say he is guilty, if not, we say he is not guilty." The judgment of the court, composed of a doctor and a few farmers, was not guilty. Could Coke or Kent have done better?

The only foreign born of the judges was Judge Steele, born in Canada, in reality a Vermonter, as his parents were Vermonters, residing temporarily in Canada at the time of his birth. The native places of the others have been: New Jersey, one; New York and Rhode Island, of three each; New Hampshire, of four; Connecticut and Massachusetts have contributed equally, furnishing twenty-one each; while Vermont, excluding Judge Steele, has been the birthplace of twenty-two. Of the Massachusetts born, nine were natives of Worcester county. Hardwick, in that county, has the honor of furnishing four, the two Robinsons and the two Fays. Litchfield, Conn.,

was the birthplace of three; Litchfield county of eight. Worcester and Litchfield counties have furnished seventeen of the seventy-six judges. Of the Vermont born, two are natives of Bakersfield. Franklin county has furnished four; Bennington county, three; the other counties one or two each, except Washington, Essex, and Grand Isle, no native of which has ever sat upon the bench.

The earliest born of the judges was Samuel Knight, February 10, 1730; the latest, Judge Thompson, January 6, 1848. Five of the judges, Powers, Veazey, Taft, Rowell, and Tyler, once serving at the same time, were born in 1835. Van Ness, Williams, and Prentiss were born in 1782, the year of birth of Webster, Calhoun, Cass, Benton, and Van Buren. The average age of the judges at the time of their first election has been forty-five years, the youngest one, Judge Steele, twenty-eight years of age. He died nearly nine years younger than the average age of the judges when elected, being in his thirty-seventh year. William Brayton was thirty; Isaac F. Redfield thirty-one; Luke P. Poland, and Noah Smith, thirty-three; Nathaniel Chipman, Stephen R. Bradley, and Elijah Paine, thirty-four. Some of the judges have been advanced in life before taking a seat on the bench. Judge Pierpont was fifty-two; Mattocks, fifty-three; Hutchinson and Galusha, fifty-four; Davis and Peck, fifty-seven; Timothy P. Redfield, fifty-eight; Knight, fifty-nine; Baylies, sixty-three; Beardsley, sixty-five; while the patriarchal Bates Turner was sixty-seven; and of these eleven, elected at such advanced ages, five served but an average of between one and two years each. While some of the ablest ones have been well along in years at the time of their election, the judicial service of the state would have been greatly improved had they been elected twenty years younger. It would have been much better if the judges had been elected at an average age of from thirty to thirty-five, for it must be conceded that, as a class, those who have been elected at ages under forty have averaged better and done much better judicial work for a longer time than those elected after attaining the age of fifty. A long practice at the bar is not necessarily an important qualification for a judge. For one, I am not certain but it would be better to elect judges with no prior professional training.

The average age of the judges at death has been seventy years; the youngest, Judge Steele, aged thirty-seven; the oldest, Judge Porter, in his hundredth year. Three died in office; Paul Spooner in 1789; John C. Thompson, 1831; John Pierpont, 1882.

Many of the early judges were more prominent in other positions than as judges, owing to their short term of service and holding the position temporarily. Four—Moses Robinson, Tichenor, Israel Smith, and Palmer—were also governors and United States senators; ten of the other judges were senators, eight governors, while twelve have represented their districts in Congress. Ten have been speakers of the Vermont House of Representatives; three, lieutenant governors; ten, presidential electors; and twenty-eight, members of the Council of Censors. Four of the six United States judges in the district of Vermont, serving over seventy-five years, had prior judicial experience in our Supreme Court.

Upon the first organization of the court, there were five judges; in 1787 the number was reduced to three, and it so remained till 1825, when the number was made four; the fifth was added in 1828, the sixth in 1846, and the seventh in 1870. At each time the number was increased the incumbent was taken from Caledonia county, and no resident of that county has been chosen judge except upon an increase in the number, save Mattocks of Peacham. Nine of the judges having served for a time have retired from the Bench, and after an interim been elected to the same position. Moses Robinson was out of service in the year beginning Octo-

ber, 1784 ; Nathaniel Chipman was elected in 1786 and 1796, serving one year at each time ; in 1789 and 1813, serving two years at each term. Noah Smith first served from 1789 until January, 1791, and was again elected in 1798 and twice re-elected. Richard Skinner served two years beginning in 1815, and again from 1823 to 1829. Joel Doolittle served from 1817 until 1823, and after an interim of one year served another term, 1824 to 1825. Charles K. Williams was elected in 1822, serving two years and again in 1829, serving until 1846. Stephen Royce's first elections were in 1825 and 1826, declining service for the next two years ; he was then re-elected and served until 1852. Bennett and Poland were judges when the circuit system was established in 1850 and were elected circuit judges. They were again chosen Supreme Court judges, the former in 1852 and the latter upon the reorganization of the court in 1857.

There have been five complete changes in the personnel of the court: in 1789, when the judges elected were for the first time lawyers. This change could not have been for political reasons. Prior to this election, two lawyers had served for one year each, Mr. Chipman in 1786, and Mr. Bradley in 1788. It was the desire of the Legislature to elect a court composed of strong men and good lawyers, and they obtained one in the election of Nathaniel Chipman as chief, with Samuel Knight and Noah Smith assistants. In 1801, the Republicans gained control of the Legislature, and elected Israel Smith chief, but he declining, they chose Jonathan Robinson, and elected Royall Tyler and Stephen Jacob assistants. This change was not for political reasons, for but one of the judges was then a Republican.

The next complete change was in 1813, when the Federalists having regained control of the state elected three of their own party, Chipman, Farrand and Hubbard ; but losing it in 1815, the Republicans elected Asa Aldis, Skinner and Fisk. The only other complete change since that time was in 1817, when Dudley Chase chief, Joel Doolittle and William Brayton assistants, were elected. This was not a political change. Judge Fisk was elected senator. Judges Skinner and Palmer were re-elected and declined. Robert Temple, of Rutland, was elected and declined. Dudley Chase, who was elected chief, was then serving as United States Senator, a position which he resigned to accept the judgeship.

In these five complete changes but one member was elected at either who had previously served as judge, Nathaniel Chipman, in 1789 and in 1813. In the other complete changes no one of the new judges had ever acted as such prior to his election.

Three judges, who had never performed judicial service, were chosen at each election, when the courts were reorganized in 1825 and 1857. Except in these instances, there has never been, since 1817, a change of two judges at the same time, save when Hutchinson and Baylies retired in 1833, Wilson and Steele in 1870, and H. E. Royce and Powers in 1890. There was no change in the personnel of the court from 1852 to 1857 ; that was under the system when there were but three members of the court. There was no change from 1860 until the summer of 1865—nearly five years ; there was no change from 1817 to 1821, from 1838 to 1842, and none from 1870 to 1874.

The court remained the same for three years, from 1835 to 1838, and from 1842 to 1845. The above are the only instances when the judges have remained the same for three years and longer, save the present court, which has remained unchanged since December 1, 1890.

Thirty-eight of the judges, one-half the number, have been educated in colleges ; some, however, did not graduate. Owing to the early great emigration from Con-



necticut, Yale leads the list with ten ; Dartmouth educated eight ; the University of Vermont and Middlebury College, five each ; Princeton and Williams, three each ; Harvard, two ; Amherst and Brown, one each. Judge Niles was the first college-bred man upon the Bench. For the first two years of his course he was at Harvard, but graduated at Princeton. Judge Aikens was at Middlebury three years, but at the United States Military Academy at West Point the last year of his course. Judge Bennett, who graduated at Yale, spent the first two years of his college life at Williams. There is but one college-bred man upon the present Bench—the chief judge.

The judges have been selected from both political parties, and there is more than one instance when the minority party furnished the majority of the court. In 1801 the Republicans elected one of its own party and two Federalists ; in 1850 the Whigs elected Judge Royce, of its own party, and Judges Redfield and Kellogg, Democrats. Timothy P. Redfield, a Democrat of the most pronounced type, was unanimously elected when the legislature stood 237 Republicans to 28 Democrats and Conservatives. He was unanimously re-elected until his voluntary retirement in 1884.

At first the judges were all laymen ; in 1786 Nathaniel Chipman was elected and served one year ; in 1788, Stephen R. Bradley was elected and served one year. Until 1789 they were the only lawyers elected. The laymen were Moses Robinson, Spooner, Fasset, Jonas Fay, Olcott, Porter, Niles and Knowlton. Theophilus Harrington, in 1803, was not at the time of his election a member of the bar, but was admitted the following month. Jonas Galusha, the last layman elected, was chosen in 1807-8. In these early days it was the practice of each judge to express his view of the law to the jury, and that the lay judges were not at all backward in the presence of their legal brethren is evident from a letter written by Chief Judge Tyler after the conviction of Cyrus B. Dean, in August, 1808, of murder, committed in an attack upon revenue officers on the Winooski river, in which he says : " Brothers Harrington and Galusha have given me substantial support. Judge Galusha's maiden charge will do him honor in print, and Judge Harrington forced principles upon the most ignorant in his peculiar, energetic way."

Until 1850, a judge who tried causes at *nisi prius* could sit *in banc* upon the hearing of any legal questions reserved, except one year. In 1837 an act was passed prohibiting it, but was repealed the following year. Since 1850 no judge could sit in the hearing of any question upon which he had passed in the court below, save at one time there was an exception in case three of the judges were disqualified in a cause. This latter rule is still in force.

The most religious man, undoubtedly, among the judges was the first chief, Moses Robinson. It is related of him that, at one time, there being a delay in some proceedings in court, before commissioners in the settlement of an estate, he organized and conducted a prayer-meeting in the interim. It was remarked by a wicked bystander, after the proceedings closed, that the claimants whose claims were disallowed took an appeal, notwithstanding prayers.

There are but four ex-judges living : James Barrett, in his eighty-third year ; Hoyt H. Wheeler, United States District Judge ; H. Henry Powers, M.C. ; and Wheelock G. Veazey, lately interstate commerce commissioner.

The only instance of father and son among the judges is that of Asa Aldis and his son, Asa O. ; Daniel Kellogg was a son-in-law of Asa Aldis, his second wife was a granddaughter of Judge Bradley ; of brothers-in-law, there have been Asa O. Aldis and Daniel Kellogg ; Moses Robinson married a sister of Jonas and David Fay, Jona-

than Robinson the sister of Judge Fasset, and Judge Jacob the sister of Judge Farland; of uncle and nephew, the two Royces; of brothers, there have been Moses and Jonathan Robinson, Noah and Israel Smith, Jonas and David Fay, Isaac F. and Timothy P. Redfield. Samuel S. Phelps and John Pierpoint were cousins, and Judge Isham was the son of a cousin of the two latter.

FREQUENCY OF ELECTIONS.—The judges have been elected at every regular session of the legislature. The mode of election, in respect to its frequency, has often been adversely criticised, but it has been found to work well in practice, and no judge, since 1825, with two or three exceptions, has failed of an election, if he desired to continue. This matter was once criticised by a Massachusetts judge in a conversation with the late Judge Poland; the latter said he could see no objection to annual elections, "for" said he, "we have the advantage of you in Massachusetts; we are sure of one year anyway, while you are in for good behavior only, and may go out of service in less time."

Objection is often made that the legislature frequently elects one of its own members to a judicial position; there is no disqualification of a member in this respect, and it is certainly true that our best judges have been obtained frequently in that manner; *e. g.*, Chipman, Paine, Prentiss, Phelps, Pierpoint, Peck, Wheeler, etc.

Of the seventy-six judges, forty-three were members of the legislative body at the time of their election; of the thirty-three remaining judges, seven were appointed, in the first instance, by the executive, in case of vacancy.

Of the seventeen elected prior to 1800, Lot Hall was the only one who was not a member of the legislature at the time of his election. Four of the present bench were members when elected, and the other three were, in the first instance, appointed by the executive.

Since the change in 1857, of those who had not served prior to that time as judges, Barrett, Homer E. Royce and Timothy P. Redfield are the only ones that have been selected from outsiders; the others have either been elected from among the members, or appointed by the governor. It must be confessed, however, that if a member is of an "electioneering disposition," he has a great advantage over an outsider.

REPORTS.—In 1793 Nathaniel Chipman issued what is undoubtedly the smallest volume of law reports ever printed in America. There are but two volumes older—Kirby of Connecticut—which, I think, deserves to be ranked as the first, and Hopkinson's "Judgments in Admiralty," both printed in 1789. There are twenty-five cases reported in the Chipman volume, principally jury trials. Mr. Chipman was chief judge, and his assistants at first were Noah Smith and Samuel Knight, and later Mr. Knight and Elijah Paine. The reports covered the two years in which Mr. Chipman was chief—from October, 1789, until October, 1791.

The little volume must have been valuable at the time of its publication, for although the cases were reports of trials at *nisi prius*, the judges were recognized among the ablest of the day, and the charges of the court were clear and able statements of the law.

In *Rhodes vs. Risley*, the defendant's counsel cited a case from Kirby's reports, then lately issued, and the court said: "Kirby's reports are not to be cited as authority here, nor are the determinations of courts in other states, but you may cite their reasons."

Included in the volume are dissertations on the statute adopting the common law of England, the statute of conveyances, and of offsets, and on the negotiability of notes, with an appendix containing the rules of the Supreme Court and forms of special pleadings.

Royall Tyler, who served as judge from 1801 till 1813, published two volumes of reports, principally of jury trials during the years 1800 to 1803 inclusive. It is said that Tyler's reports are not considered good authority even in his own state, but this is not a just criticism; the cases were tried by jury and contained the substance of the law as stated to the jury, and while the opinions are not necessarily as complete and thorough as in well-considered cases of a later date, they contain much that is valuable, and, at the time, must have been a great aid to the profession and the courts as statements of what was then the law of the land. They were published in 1809 and 1810.

The next volume, by William Brayton, is in the nature of a digest, the subjects being arranged alphabetically, and contains cases tried in 1815-19. In October, 1823, the legislature authorized the governor to appoint a reporter of the decisions, providing for him the salary of \$400 annually; he was entitled to the profits arising from the publication of the reports. It was his duty, by his personal attendance, and by other means in his power, to obtain true and authentic reports already made or which might be made thereafter, as he thought were of sufficient importance, and to publish the same annually. In November, 1825, \$200 were added to his salary, and he was required to faithfully attend the Supreme Court in person at every session, for the purpose of learning the decisions.

Under the act of 1823, Daniel Chipman was appointed reporter, and he published volume one of his reports in four parts. They were issued separately, bound in paper, and upon the completion of the fourth part an index was prepared and the parts bound in one volume. Included in the first part are twelve cases reported by N. Chipman, and several that were heard in 1797. The remaining part of Vol. I. and the first part of Vol. II., which is the only part of that volume printed, and which now is called Vol. II. of Daniel Chipman's reports, contain reports of cases from 1813 to 1824. The volumes named contain cases prior to the reorganization of the court in 1825; they are principally jury trials, including some writs of error which were brought to the Supreme Court.

Upon the change in the jurisdiction of the Supreme Court, when it became exclusively a court for the disposition of legal questions, Asa Aikens, of Windsor, who had served as one of the judges, was appointed reporter, and two volumes were issued by him, and called by his name—the first and second Aikens.

In 1828 it was made the duty of the judges of the court to prepare their opinions for publication and deliver them to the Secretary of State, and the sum of \$125 per annum was added to their salary; and in the following year the governor was authorized to appoint some suitable person to prepare the cases for publication, and, when bound, to deposit the same in the office of the Secretary of State. Under these acts several volumes of reports were issued, but in 1837 the legislature were required to elect a reporter of the decisions, whose duty it was to edit and publish the cases heard in the Supreme Court, and in 1876 the appointment of the reporter was given to the Supreme Court. A volume of reports has been prepared and issued annually since 1828, the last being Vol. 65. The present reporter is Wendell P. Stafford, of St. Johnsbury.

**EQUITY COURTS.**—In October, 1779, the Superior Court was constituted a Court of Equity in all matters, if the amount involved £20, and did not exceed £4,000 lawful money, and in case the "demands, dues, matters or cause in dispute" exceeded the sum of £4,000, the case should be heard by the governor and legislature; an appeal from the Superior Court was permitted in all cases if "no title of land is concerned," and it was further provided that all causes then pending before the Gen-



eral Assembly in matters not exceeding £4,000 should be referred to the Superior Court. The first Council of Censors, criticising the powers assumed by the legislature, especially the act constituting the legislature a Court of Equity, that part of the act authorizing the legislature to hear equity causes was repealed. Courts of law were given authority, in many cases, to chancer bonds, recognizances, etc. In 1788 a Court of Equity was constituted, with sessions, as to time and place, as those of the Supreme Court, and the judges of that court were made chancellors. The process in equity causes was to be governed conformably to the rules and precedents established in the Courts of Chancery in the kingdom of Great Britain. In 1797 a Court of Chancery was constituted, with the judges of the Supreme Court as chancellors, to possess "all powers incident to a Court of Chancery," the issuing of equitable process regulated, and it was provided that proceedings should be "conformable to the rules and precedents established in Courts of Chancery in the kingdom of Great Britain, so far as the same shall be consistent with the Constitution and laws of this state."

The Supreme Court continued a Court of Equity until the revision of the statutes in 1839, each judge being a chancellor, and the court at its sessions hearing the causes. At the time of the revision in 1839, a Court of Chancery was constituted in each county, with two sessions annually, held at the same time as the County Court sessions. Each judge of the Supreme Court was constituted a chancellor, and the court was held by the judge who presided in the County Court. An appeal was allowed from the Court of Chancery to the Supreme Court, and such is now the present system. The Supreme Court, sitting as an Appellate Court, can hear a chancery cause, and dispose of all the questions of fact upon testimony taken before a master, and decide the law applicable to the facts; but the Court of Chancery has power, upon the application of either party, to appoint a master, whose duty it is to hear the evidence and report the facts; in such case, only the legal questions arise in the Supreme Court, sitting as a Court of Equity. From 1850 to 1857 the Circuit judges were chancellors, the Supreme Court judges sitting only as a Court of Appeal.

COMPENSATION.—The judges were originally paid as follows: The chief judge while on circuit was entitled to eighteen shillings per day; an assistant, fifteen shillings. They were paid in addition to the *per diem* eighteen shillings for each action tried, and ten shillings for each default or confession. The fees were divided equally among the judges in attendance. In 1783 the fees for each action tried were made fifteen shillings, and for each default or confession six shillings. In 1784 four shillings were allowed a judge for taking a recognizance, and eight shillings for signing a writ of error, *audita querela*, and *certiorari*. In October, 1789, it was enacted that fees paid the judges, in lieu of those theretofore allowed, should be to the chief judge, one pound seven shillings per day, while on circuit, and to each assistant, one pound two shillings, and on each motion in arrest of judgment, four shillings. In 1798 the fees were first allowed in the currency of the country, the chief judge on circuit was paid \$4.50 per day, each assistant, \$3.60; and there was paid to the clerk, for the benefit of the judges, certain sums for the hearing of motions in arrest, for new trial, for signing judicial writs, and taking recognizances and for each trial, non-suit, default, or confession. The amount of fees which each judge received in 1804 were substantially \$1,200; when the legislature met at Rutland, an act was introduced with a magniloquent preamble stating: "Whereas it is important to the due administration of justice that the judges of the Supreme Court of this State should receive adequate and honorable compensation, etc., therefore, be it enacted, etc., that the chief judge receive a stated salary of \$1,000, and

each assistant \$900." The effect of this ostentatious legislation was to reduce the compensation two to three hundreds of dollars.

A violent attack was made upon the judges during the session, and they were threatened with impeachment for taking illegal fees. The discussion of the subject lengthened the session, which began the first part of October, far into November, and the legislature adjourned without passing a resolution affirming that fees were taken in accordance with the fee bill, and those favoring the impeachment carried the law giving the judges salaries. The chief was sick at home, but Judge Tyler was at Rutland, and the chief wrote him: "I hope you will not leave, and shall cheerfully make allowance in your expenses to watch and pray for us. Send for Brother Harrington; he can do as much as any one in the present storm."

The following year, at the session in Danville, it was resolved by a vote of one hundred to eighty-two, after several days of acrimonious debate, that it was the sense of the House that the fees taken by the judges were taken with upright views, and that no further order ought to be taken on the subject and none was.

In 1826 the salary was made \$1050; in 1827 an extra sum of \$125 was allowed each judge for furnishing opinions in the cases heard by them; in 1839 the salary was made \$1375; in 1854, \$1500; in 1858, \$1800; in 1864, \$2100; in 1866, \$2500; in 1886, \$3000, and in addition a sum not exceeding \$300 was allowed each judge for necessary expenses when away from home on judicial business. In 1896 provision was made for all expenses of the judges when away from home.

It must be conceded that the compensation of the judges until the act of 1886 was ridiculously low. It is now fairly respectable, but can hardly be considered extravagant; the greater part of their services are performed when away from home, and until the latter modes of rapid locomotion they were required to be absent from home weeks and sometimes months in the discharge of their duties in distant parts of the state. More than one-third of the whole number, and the ablest of them all, have declined the position or resigned in consequence of the inadequacy of their compensation, while many able men have refused the position for that reason, among them Robert Temple, of Rutland; Heman Allen, of Milton, and Timothy Follett, of Burlington, who were elected and declined. Mr. Edmunds was offered the appointment upon the resignation of Asa O. Aldis, in 1865, but declined it. He was probably then in receipt, from a single client, of a larger sum annually than the salary of a judge.

This is the reason why so many judges have been elected at an age when really unfit to discharge the duties of the office; elected after their active business life was over, and when more than sixty years of age.

The palmy days of the court were in 1833-35; during this period too high an eulogium can hardly be pronounced upon it. Williams, Phelps, Royce, Collamer and Mattocks composed the bench. Three of them subsequently became Governors and two United States Senators. If the court at that time had been transferred as a body to the judgment seat of any tribunal, wherever the common law and equity was administered, it would have been found fully and remarkably adequate to discharge all its duties. Its opinions, only a part of which are reported, are its sufficient monument; but they fail to show, after all, the sound, prompt, wholesome and effective justice that was always administered wherever they sat.

They were all men of striking personal appearance, and their proceedings were attended with great dignity and decorum; they were all lawyers in the front rank and intellectually of a high order.

*As nisi prius* judges, Williams, Phelps, Royce and Collamer were unexcelled.

Mattocks, as an advocate and lawyer, was without a peer, while Collamer was one of the wisest, and Phelps the most gifted man ever in the state.

Vermont is a small state, and was not then connected, as now, with its neighbors in business relations. The work of its courts rarely concerned people or interests beyond the state; there were few newspapers and legal periodicals, and no reporting of decisions, except to a partial extent in the regular state reports. But little was therefore known about the court in other jurisdictions. Its judges at the time named were great beyond their celebrity.

The judges continued substantially the same for a few years, Redfield taking the place of Mattocks in 1835, and Bennett that of Phelps in 1838. The nearest approach to the court of 1833-35, in point of ability, was that of 1857, upon its reorganization, when Judges Isaac F. Redfield, Bennett, Poland, Aldis, Pierpont and Barrett were the members. Besides those named as serving the two years, 1833-35, the best "all-round judges" were, probably, Poland, Steele and Wheeler. The two greatest jurists have been Prentiss and Peck, the former, however, more varied and learned in his acquirements.

PROBATE COURTS AND COURTS OF INSOLVENCY.—Courts for the probate of wills and the settlement of estates were constituted the second year of the state government. The probate districts are twenty in number; the eight northern counties comprise one district each; the six southern counties are divided into two districts each. The freemen of each district elect the judge therein, and the latter appoints the register of the court. This court is vested with the sole and exclusive jurisdiction in the proof of wills, trusts arising thereunder, the settlement of all estates, testate and intestate, including the estates of infants and all persons under guardianship. The County Court has appellate jurisdiction of matters originally within the jurisdiction of the Probate Court, and the Supreme Court jurisdiction of questions of law arising in the course of the proceedings in the County Court in probate matters, as in other causes.

Courts of insolvency which are courts of record, are established in the probate districts; the judges and registers of the Probate Courts are judges and registers of the Courts of Insolvency, *ex officio*. Such courts have exclusive jurisdiction of all causes arising in insolvency under the laws of the state. The County Court is an appellate court, and questions of law can be reviewed in many instances in the Supreme Court.



## JUDGES OF THE SUPREME COURT OF VERMONT.

Rank.	NAME.	PLACE OF BIRTH.	Residence when first Elected.	Date of Birth.	Date of Death.	Where Educated.	Time of Service.	Years of Service.	Age when first Elected.	Age at Death.	Rank.
1	MOSES ROBINSON *	Hardwick, Mass.	Bennington	26 Mar., 1741	26 May, 1813		1792-4, 1785-9	6	41	72	1
2	PAUL SPOONER *	Dartmouth, Mass.	Hartland	20 Mar., 1746	4 Sept., 1789		1782-9	7	36	43	2
3	JOHN FASSET, JR. *	Bedford, Mass.	Bennington	23 Jan., 1743	2 April, 1803		1782-6	4	39	59	3
4	JONAS RAY *	Hardwick, Mass.	Bennington	28 Jan., 1737	6 Mar., 1818		1782-3	1	45	81	4
5	PETER OLCOTT *	Bolton, Ct.	Norwich	25 April, 1733	12 Sept., 1808		1782-5	3	49	75	5
6	THOMAS PORTER *	Farmington, Ct.	Timnouth	14 Feb., 1734	30 May, 1833		1783-6	3	49	99	6
7	NATHANIEL NILES *	South Kingston, R. I.	West Fairlee	3 April, 1741	31 Oct., 1828	Harv., Princ.	1784-8	4	43	87	7
8	NATHANIEL CHIPMAN *	Salisbury, Ct.	Timnouth	15 Nov., 1752	13 Feb., 1843	Yale	1786-7, 1789-91, 1796-6	6	34	90	8
9	LUKE KNOWLTON *	Shrewsbury, Mass.	Newfane	24 Oct., 1738	12 Dec., 1810		1786-7 [97, 1813-15]	1	48	72	9
10	STEPHEN R. BRADLEY *	Cheshire, Ct.	Westminster	20 Feb., 1754	9 Dec., 1830	Yale	1788-9	1	34	76	10
11	NOAH SMITH *	Suffield, Ct.	Bennington	27 Jan., 1756	23 Dec., 1812	Yale	1789-24 Jan., 1791	4	33	56	11
12	SAMUEL KNIGHT *	Woburn, Mass.	Brattleboro	10 Feb., 1730	23 July, 1804		1789-94 [1798-1801]	5	59	74	12
13	ELIJAH PAINE *	Brooklyn, Ct.	Williamstown	21 Jan., 1757	28 April, 1842	Harvard	27 Jan., 1791-94	3	34	85	13
14	ISAAC TICHENOR *	Newark, N. J.	Bennington	8 Feb., 1754	12 Dec., 1838	Princeton	1791-6	1	37	84	14
15	LOI HALL	Yarmouth, Mass.	Westminster	2 April, 1750	17 May, 1809		1794-1801	1	43	54	15
16	ENOCH WOODBRIDGE *	Stockbridge, Mass.	Vergennes	25 Dec., 1750	1 July, 1805	Yale	1794-1801	1	45	54	16
17	ISRAEL SMITH *	Suffield, Ct.	Rutland	6 April, 1759	2 Dec., 1810	Yale	1797-8	1	38	51	17
18	JONATHAN ROBINSON *	Hardwick, Mass.	Bennington	11 Aug., 1756	3 Nov., 1810		1801-7	6	45	63	18
19	ROYALL TYLER	Boston, Mass.	Brattleboro	18 July, 1757	16 Aug., 1826	Harvard	1801-13	12	44	69	19
20	STEPHEN JACOB *	Sheffield, Mass.	Windsor	7 Dec., 1755	27 Jan., 1816	Yale	1801-3	2	45	60	20
21	THEOPHILUS HARRINGTON	Coventry, R. I.	Clarendon	27 Mar., 1762	17 Nov., 1813		1803-13	10	41	51	21
22	JONAS GALUSHA *	Norwich, Ct.	Shaftsbury	11 Feb., 1753	24 Sept., 1834		1807-9	2	54	81	22
23	DAVID RAY	Cambridge, Mass.	Bennington	13 Dec., 1761	5 June, 1827		1809-13	4	47	68	23
24	DANIEL FAIRAND	Hudson, N. Y.	Burlington	9 Sept., 1766	13 Oct., 1825	Yale	1813-5	2	53	65	24
25	JONATHAN H. HUBBARD	Tolland, Ct.	Windsor	7 May, 1768	29 Sept., 1849		1813-5	2	45	81	25
26	ASA ALDIS *	Franklin, Mass.	St. Albans	14 April, 1770	16 Oct., 1847	Brown	1815-6	1	45	77	26
27	RICHARD SKINNER *	Litchfield, Ct.	Manchester	30 May, 1778	23 May, 1833		1815-7, 1823-9	8	37	54	27
28	JAMES FISK	Greenwich, Mass.	Barre	4 Oct., 1763	1 Dec., 1844		1815-7	2	52	81	28
29	WILLIAM A. PALMER	Hebron, Ct.	Danville	12 Sept., 1781	3 Dec., 1860		1816-7	1	35	79	29
30	DUDLEY CHASE	Cornish, N. H.	Randolph	30 Dec., 1771	23 Feb., 1846	Dartmouth	1817-21	4	46	74	30
31	JOEL DOOLITTLE *	Russell, Mass.	Middlebury	April, 1773	9 Mar., 1841	Yale	1817-23, 1824-5	7	44	67	31
32	WILLIAM BRAYTON *	Lansingburgh, N. Y.	Swanton	22 Aug., 1787	5 Aug., 1828	Williams	1817-22	5	30	41	32
33	CORNELIUS P. VAN NESS	Kinderhook, N. Y.	Burlington	26 Jan., 1782	15 Dec., 1852		1821-3	2	39	70	33
34	CHARLES K. WILLIAMS	Cambridge, Mass.	Rutland	24 Jan., 1784	9 Mar., 1853	Williams	1822-4, 1829-46	19	40	71	34
35	ASA ALKENS	Barnard, Vt.	Windsor	13 Jan., 1788	12 July, 1863	Mid., W. Point	1823-5	3	35	75	35
36	SAMUEL PRENTISS *	Stonington, Ct.	Montpelier	31 Mar., 1782	15 Jan., 1857		1825-30	5	43	36	36
37	TITUS HUTCHINSON *	Grafton, Mass.	Woodstock	29 April, 1771	24 Aug., 1857	Princeton	1825-33	8	54	86	37
38	STEPHEN ROYCE	Timnouth, Vt.	St. Albans	12 Aug., 1787	11 Nov., 1868	Middlebury	1825-7, 1829-52	25	38	81	38
39	BATES TURNER	Canaan, Ct.	St. Albans	Oct., 1760	30 April, 1847		1827-9	2	67	87	39
40	EPHRAIM PADDOCK	Holland, Mass.	St. Johnsbury	4 Jan., 1780	27 July, 1859		1828-31	3	48	79	40
41	JOHN C. THOMPSON *	Westerly, R. I.	Burlington	About 1790	27 June, 1831		1830-27 June, 1831	3	40	41	41
42	NICHOLAS BAYLIES	Uxbridge, Mass.	Montpelier	9 April, 1768	17 Aug., 1847	Dartmouth	1831-3	2	63	79	42
43	SAMUEL S. PHELPS *	Litchfield, Ct.	Middlebury	13 May, 1793	25 Mar., 1855	Yale	1831-8	7	38	64	43
44	JACOB COLLAMER	Troy, N. Y.	Woodstock	8 Jan., 1791	9 Nov., 1865	Univ. of Vt.	1833-42	9	42	74	44
45	JOHN MATCOCKS	Hartford, Ct.	Peacham	4 Mar., 1777	14 Aug., 1847		1833-5	2	56	70	45
46	ISAAC F. REDFIELD	Weathersfield, Vt.	Derby	10 April, 1804	23 Mar., 1876	Dartmouth	Oct., 1835-60	25	31	71	46
47	MIL0 L. BENNETT	Sharon, Ct.	Burlington	28 May, 1789	7 July, 1868	Williams, Yale	1838-50, 1852-9	19	49	79	47
48	WILLIAM HEBARD *	Windham, Ct.	Randolph	29 Nov., 1804	22 Oct., 1875		1842-5	3	38	70	48
49	DANIEL KELLOGG *	Amherst, Mass.	Rockingham	13 Feb., 1791	10 May, 1875	Williams	1845-51	6	54	84	49
50	HILAND HALL	Bennington, Vt.	Bennington	20 July, 1795	18 Dec., 1888		1846-50	4	51	90	50
51	CHARLES DAVIS	Manchester, Vt.	Danville	1 Jan., 1789	21 Nov., 1863	Middlebury	1846-8 [1857-65]	57	74	51	51
52	LUKE P. POLAND	Westford, Vt.	Morristown	1 Nov., 1815	2 July, 1887		8 Nov., 1848-50; Nov. 10	33	71	52	52
53	PIERPONT ISHAM	Manchester, Vt.	Bennington	5 Aug., 1802	8 May, 1872		1851-7 [1865-6]	46	49	59	53
54	ASA O. ALDIS	St. Albans, Vt.	St. Albans	2 Sept., 1811	24 June, 1891	Univ. of Vt.	4 Nov., 1857-59	7	48	64	54
55	JOHN PIERPONT	Litchfield, Ct.	Vergennes	10 Sept., 1805	7 Jan., 1882		4 Nov., 1857-7 Jan., 24	52	76	55	55
56	JAMES BARRITT	Stratford, Vt.	Woodstock	31 May, 1814		Dartmouth	1857-80 [1832-3]	43	36	56	56
57	LOYAL C. KELLOGG *	Benson, Vt.	Benson	13 Feb., 1816	26 Nov., 1872	Amherst	1859-67	8	43	56	57
58	ASAH PECK *	Royalston, Mass.	Burlington	6 Feb., 1803	18 May, 1879	Univ. of Vt.	1860-1 Sept., 1874	13	57	75	58
59	HERMAN R. BEARDSLEY †	Kent, Ct.	St. Albans	21 July, 1800	9 Mar., 1878	Univ. of Vt.	Sept.-Nov., 1865	1	65	77	59
60	WILLIAM C. WILSON *	Cambridge, Vt.	Bakersfield	23 July, 1812	16 April, 1882		1865-70	5	53	69	60
61	BENJAMIN H. STEELE †	Stanstead, Que.	Derby	6 Feb., 1813	13 July, 1873	Dartmouth	1865-70	5	28	36	61
62	JOHN PROUT *	Salisbury, Vt.	Rutland	22 Nov., 1816	28 Aug., 1890		1867-9	2	53	73	62
63	HOYT H. WHEELER *	Chesterfield, N. H.	Jamaica	30 Aug., 1833			1869-31 Mar., 1877	7	30	63	63
64	HOMER E. ROYCE	Berkshire, Vt.	St. Albans	14 June, 1819	24 April, 1891		1870-90	20	51	71	64
65	TIMOTHY F. REDFIELD	Montpelier, Vt.	St. Albans	3 Nov., 1812	27 Mar., 1888	Dartmouth	1870-80	14	58	75	65
66	JONATHAN ROSS *	Waterford, Vt.	St. Johnsbury	30 April, 1826		Dartmouth	1870	26	44	66	66
67	H. HENRY POWERS *	Morristown, Vt.	Morristown	29 May, 1835		Univ. of Vt.	1874-90 [Oct., 1879]	16	39	67	67
68	WALTER C. DUNTON †	Bristol, Vt.	Rutland	29 Nov., 1830	23 April, 1890	Dartmouth	13 April, 1877-27	2	47	59	68
69	WHEELOCK G. VEAZEY †	Brentwood, N. H.	Rutland	5 Dec., 1835		Dartmouth	29 Oct., 1879-13	9	43	69	69
70	RUSSELL S. TAFT *	Williston, Vt.	Burlington	28 Jan., 1835			1880 [Sept., 1889]	10	45	70	70
71	JOHN W. ROWELL †	Lebanon, N. H.	Randolph	9 June, 1835			10 Jan., 1882	1	46	71	71
72	WILLIAM H. WALKER *	Windham, Vt.	Ludlow	2 Feb., 1832	11 Aug., 1896	Middlebury	1884-14 Sept., 1887	2	52	64	72
73	JAMES M. TYLER †	Wilmington, Vt.	Brattleboro	27 April, 1835			17 Sept., 1887	9	45	73	73
74	LOVELAND MUNSON †	Manchester, Vt.	Manchester	21 July, 1843			13 Sept., 1889	7	42	74	74
75	HENRY R. START *	Bakersfield, Vt.	Bakersfield	28 Dec., 1848			1890	6	44	75	75
76	LAUREST H. THOMPSON	Bakersfield, Vt.	Irasburgh	6 Jan., 1848			1890	6	44	76	76

Names in SMALL CAPITALS denote Chief Judges.

\* Members of Legislature when elected.

† Appointed by Governor.

CHAPTER CX.  
THE EDUCATIONAL HISTORY OF VERMONT.

BY PROF. J. E. GOODRICH.

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**I**N instituting any comparison between Vermont and contiguous states, account should be taken at the outset of the disparity in three points: in age or duration, in numbers, and in wealth.

Connecticut has a longer history behind the date of the founding of Bennington than Vermont has on the hither side of that event. Massachusetts had been settled one hundred and forty-one years, and Connecticut one hundred and twenty-eight, before they sent colonists to "New Connecticut." \* One hundred and twenty-six years elapsed between the colonization of New Hampshire and the issuing of the earliest charter in the "New Hampshire Grants."

At the outbreak of the Revolutionary War, the state last named had more than five times, and Massachusetts more than fourteen times, the population of the Green Mountain State. Even as late as the middle of this century, Vermont had but eight towns containing over three thousand inhabitants, and but one with more than four thousand; while the Bay State had forty-eight whose population exceeded four thousand, and twelve with above ten thousand.

Most of the territory of Vermont is but sparsely settled, that state having but thirty inhabitants to the square mile in 1850, when Connecticut had seventy-nine, and Massachusetts one hundred and twenty-seven. The people of Vermont are engaged in agriculture to a greater extent than in the other states named, and consequently a less proportion of the population is gathered in villages and cities; and the relative wealth of individuals and of the state is such as might be expected from its more recent settlement, and from the nature of its leading industries.

To these considerations must be added a fourth—the ruinous consequences of the Revolutionary War to all within the borders of this frontier state. During the strife, no other New England state suffered in like measure. Not only were the settlers in the northern portion forced to abandon their homes to their serious loss, but the whole territory was in a disturbed and apprehensive condition, caused by the incessant conflict with New Yorkers, Tories, British and Indians. The energies of the settlers were absorbed in schemes and efforts for their own protection, or for the achievement of an independent statehood.

\* Account is not taken here of the settlement at Fort Dummer, as that post was understood to be south of the Massachusetts border; nor of that at Westminster, subsequently abandoned; nor of that on the "Great Meadow," near by, though that was never quite given up.

The bearing of these things on the progress and development of the state, especially in such matters as schools, libraries and general cultivation, is obvious.

The moral and mental equipment of the early settlers in the Grants may be assumed to have differed little from that of the two colonies from which most of them came. Only the more adventurous and more restless spirits would be likely to seek new homes in the wilderness. None would attempt such hazard and hardship but the hale and hopeful. The early history of the Grants is ample witness to their daring and self-reliance. Yet a good proportion of the earliest comers to Bennington left Connecticut in order to enjoy without molestation what they believed their religious rights. The constant interference of that state in matters ecclesiastical had become irksome and offensive. So these "Separates," the very next year after they had housed their families, organized a church in the wilderness (December 2, 1762), taxed themselves the next month to build both church and school-house, laid a tax the ensuing April for three schools instead of one, and by the autumn of the same year (1763) had secured a permanent instructor for the whole community in a pastor of the infant church.\* Bancroft speaks of them as "a community of 67 families in as many houses (1765), with an ordained minister, their own municipal officers, three several public schools, and a meeting-house set among the primeval forests," and says, they "enjoyed the flourishing state which springs from rural industry, intelligence, and unaffected piety."†

In many of the new plantations certainly, the church and the school followed close upon the pioneer's log-house. Newbury, for example, settled in 1762, had a church and pastor in February, 1765. Cambridge was organized in 1785, and had its school in 1786, but no grist-mill until 1791. Woodstock, settled in 1768, nine years after voted to sustain five schools in as many districts, and in March, 1782, voted to raise a tax of two-pence on the pound for the use of schooling—a step before, and in advance of, the school act of October, 1782.‡ In Springfield, whose first town meeting was held in March, 1764, the first school and the first public religious meetings were both held in the same house in the summer of 1773. Chester, first settled in 1764, and rechartered in 1766, raised "thirteen pounds York currency on the inhabitants" of the town in February, 1773, to build a school-house, 22 by 18 feet, and the same year organized a church, which waited, however, sixteen years for a house of its own. Pomfret voted money for schooling in 1778, seven years after the first family moved in, and in 1781 "sequestered twenty-one pound out of the hundred bushels of wheat for schooling," to be divided "among each district." What class of immigrants the colonizers of the northern wilderness hoped to attract, is shown by the action of the proprietors of Guilford, who in 1761, when the settlement was but three months old, sequestered three hundred-acre lots and a house (or village) lot for the use of schools.

To what extent private schools were maintained before the towns took the matter in hand, it is not easy to say; but we may safely assume that instruction was given in families, and wherever the children of neighbors could conveniently be gathered. The facts given above have been cited to show that even in time of war, and when hampered by poverty, lack of roads, and the wide spaces which sundered their dwellings, the Vermontese did not forget the essential conditions of a stable

\* School and church were here in close union, the former being long taught in the second story of the spacious church porch.

† "History of the U. S.," V. 291, quoting Governor Hutchinson of Massachusetts.

‡ In fact the districting of towns for school purposes preceded the organization of the State government.



democratic government. They attempted to base their civil polity from the first on both intelligence and religion. The latter element has full recognition in section 3 of the Declaration of Rights, and the former in section 40 of the Constitution of 1777.

The early schools were often held in private dwellings; and the first school-houses were built of logs, with a huge fireplace on one side of the single room. The curriculum generally went little beyond the "three Rs," and a smattering of two of the Gs., geography and grammar, but the pupils did learn to spell and to write a legible hand, accomplishments which the public schools of today do not always succeed in imparting. In the early part of the present century exceptionally bright pupils gained a valuable initiation into the mysteries of mathematical logic by wrestling with Daboll's and Adams's arithmetics, and were effectively trained in the logic of language and thought by familiarity with the larger grammar of Lindley Murray; they even ventured into the domains of rhetoric and mental science under the guidance of Blair and Watts. The range of study was indeed narrow, but who shall say that the pupils of that ruder time were less adequately equipped than those of today for all the serious tasks of business and citizenship.\* Judge Thompson's *Locke Amsden* is only a favorable specimen of the solid discipline obtainable sometimes in a Vermont district school; while his *Captain Bunker* exemplifies the shrewd, sagacious, self-trained graduate from the school of affairs, innocent of all knowledge of the alphabet, but able to pose many a college-bred youth.

It is only matter of course that the troublous times from 1761 to 1791 retarded the development of the state in many ways. Nor could they fail to furnish an inviting field for bold and lawless characters. The effort to attain independence in spite of the wrongful claims of New York, and of the neglect of the Continental Congress, induced a self-reliance which might easily beget a false or exaggerated independence. The Grants were at first necessarily a law unto themselves, and there was some danger that individuals would fall back on what they deemed their natural rights, and extemporize their own law. This tendency was indeed soon curbed by the formation of the Council of Safety and the organization of the State government, as well as by the necessity of concerted or corporate action in order to make any head against their common foes.

President Dwight seems to have had a rather limited admiration for the "land-jobbers" of Vermont. He represents "a considerable number" of those who first acquired influence in the state as men of loose principles, and suggests that some were "professed infidels."† Probably no one will care to defend the religious character or the theological views of Ethan Allen, a rough, herculean personage, whose rash vigor and quick decision especially qualified him for the part he had to play. Even President Dwight deigns to notice an improvement in the moral and religious tone of the people between 1798 and 1807.‡ The character of "the 'forester or pioneer,'" as he styles him, with his unthrift, his conceit of oracular wisdom, his impatience of restraint, his grudges against ministers and schoolmasters because of the

\* "Until 1781 there was scarcely a man in the state, except clergymen, who could claim more than an ordinary common school education: indeed, in 1784 not more than nine persons in the state, excepting clergymen, who had received a college education." [Letter of Hon. Elijah Paine (c. 1840), cited in *Am. Quart. Rég.* XIII., 393.]

† Dwight's "Travels," II., 471.

‡ Dwight's "Travels," II., 459. Professor James D. Butler thinks there is much in our history to disprove Dwight's statement that our first settlers were chiefly "Universalists and infidels." *Address before Vt. Hist. Soc.*, 1846, p. 17.

taxes by which they are supported, seemed to have sensibly softened in course of the nine years which divided his visits.

The letters of Colonel Graham,\* though written before Dr. Dwight's first visit, give a far more favorable impression of the moral and intellectual status of the population. He finds schools and churches nearly everywhere; the clergy, even when not of his own denomination, are "excellent" and "able;" Episcopalians and Presbyterians are all "Christians and brothers;" and "it not unfrequently happens that the landlords are men of erudition, independent fortunes, and magistrates." It may be that Dr. Dwight was less ready to see good in the "Universalists" and Unitarians whom he met than was Dr. Graham, and hence the shading of his picture. And he may have given too little weight to the fact that his state of Connecticut had the start of Vermont by near a century and a half.

One distinctive quality, however, is sometimes said to have characterized the sons of the Green Mountains from the first—an unmanageable independence and conservatism which verges sometimes on obstinacy; a persistent adherence to old laws and old ways after their neighbors have adopted better; an unwillingness (showing itself sometimes in the General Assembly, for example) to yield to argument, and to acknowledge the practical inferiority or ineffectiveness of an institution which has come down from the Founders. It is said to have been, in past decades, more difficult to get a legislature to pass a salutary measure incorporating new ideas in Vermont than in any other of the New England states. †

The inquiring and investigating quality of mind engendered by the early schools and the primitive homes and habits of the state may be illustrated by a glance at a few of the inventions which originated there. Robert Fulton is justly held in honor for demonstrating the practicability of steam navigation in 1807; but his biographer admits the prior claims of Samuel Morey, of Fairlee, who operated a steam-ferry between that town and Orford, N. H., in 1792-93, and the next year ran a larger boat from Hartford, Conn., to New York city. Morey, who overlived Fulton by twenty-seven years, always insisted that Fulton had wronged him by breach of contract, as well as by appropriating his discovery. ‡

Thomas Davenport, of Brandon, took out the first patent ever issued for an electric motor (used later by him in driving a printing press), and invented also an electric telegraph for the transmission of messages to a distance. Professor S. F. B. Morse, with others, examined both these in New York city in 1834, simplified the latter invention, devised a special alphabet, and gained a fame, no small part of which belonged to the blacksmith of Brandon. These inventions were soon followed by an electric railway and an electric piano. So numerous and so striking were Davenport's discoveries, that it has been said that another half-year of continuous application might have made him the inventor of the phonograph.

The sub-oceanic telegraph came from the brain of Professor Alonzo Jackman, of Norwich University, who in 1842 came upon the secret, and in 1843 told the world

\* "A Descriptive Sketch of the Present State of Vermont." By J. A. Graham, LL.D., London, 1797.

† This alleged peculiarity of the Green Mountain native seems, in this generation, to have nearly, if not quite, disappeared.

‡ The experiments in steam navigation of James Rumsey, of Maryland, on the Potomac, in 1787, and of John Fitch, of Windsor, Conn., 1786-90, were not so successful as to diminish the honor due to Morey. Whether Morey knew anything of what was done by Nathan Read, of Salem, Mass., 1788-91, I cannot say.

The earliest chartered school of academic or "grammar" grade was established in Bennington in 1780. That "Clio Hall," as it was called, was numerously attended and held in high esteem, is indicated by the fact that its students were assigned a place in the procession at the celebration of the tenth anniversary of the Battle of Bennington (1787). The Windsor County School at Norwich came next, in 1785; then the Rutland County School at Castleton, in 1787; and by 1800 there were nine such schools; in 1814, twenty-seven; and by 1824, thirty-seven institutions, which proposed to fit the graduates of the town schools for college or for business. Some of these were substantially aided by special grants of land allotted in the town charters issued by Vermont, though in some cases the lands reserved yielded little revenue, and in later times the County Fund was sometimes divided between rival schools, until it ceased to be of real benefit to any.\*

Most of these schools depended solely on the tuition received. Burr† Seminary, at Manchester, chartered in 1829 and opened in 1833, was the first to receive an endowment, and that was but \$10,000 (subsequently increased to \$30,000). For a long time this school maintained a foremost place, both for its moral and for its intellectual culture. Its honorable history is well worthy of being told by some alumnus. Nine years after instruction began at Burr Seminary, James K. Colby was induced to leave New Ipswich, N. H., and open a like institution at St. Johnsbury. It was not long before his fame as teacher and disciplinarian had gone beyond the bounds of Caledonia county. He was rarely qualified for his chosen vocation—a born teacher and trainer of youth. In the twenty-three years of his principalship nearly two thousand young men and women took from his voice and life an impress and an impulse whose force did not spend itself until their lives were ended, nor even then. His students regarded him with mingled awe, honor and affection. His regal manhood had even greater power over his pupils than his deep and varied scholarship and his ability to impart instruction. The living exemplar of his own highest lessons, he was an inspiration to clear thinking and high living. Behind Mr. Colby and his efficient helpers stood the Fairbanks brothers, ready to supply whatever money might be needed to secure the efficiency of the institution. In 1872 Mr. Thaddeus Fairbanks greatly increased the endowment of the academy, and a new building was erected. By 1881 the school had a fund of \$100,000. Its history in later years has been one of continued prosperity. It has never lost the aim or the

of this only upon showing that it had kept a school for two months with its own money. In 1818 the property of non-residents was first made taxable for schools. In 1824 the town tax was raised to 2 cents (still payable in produce); in 1823, to 3 cents; in 1842, to 9 cents; and later to 12 cents. In 1890 a state tax of 5 cents was laid, to be divided among the towns according to the number of legal schools\* maintained. In 1896 this produced \$86,899. This inures to the benefit of the smaller and poorer towns: *e. g.*, Burlington pays (1896) \$6,069.38, and receives back \$1,659.08; Peru pays \$81.10, and gets \$260.53.

Permission was given to such towns as had given up the district system to supply free text-books in 1878. Free text-books in physiology and temperance, under pressure from the W. C. T. U., were furnished to all schools in 1886. Free text-books were *required* from June 1, 1895, and the average attendance rose the next year 10 per cent.

\*The grammar-school lands today amount to 23,853 acres. The total rents, however, are only about \$2,800. The annual income in Washington county is parceled out to each of four schools; in Orange county to seven.

† Now Burr and Burton.

\* A legal school was 2 months, then 12 weeks, then 20 weeks, then 28 weeks. In 1896, 396 schools reached 36 weeks; average length, 30 weeks and 4 days.



impulse of its early history. The village in which it stands, as everybody knows, has an enviable fame for refinement and for high civic and social ideals. Important adjuncts of the school are the Athenæum (a very choice library of fourteen thousand five hundred volumes) and the collections of the Fairbanks Museum. The present faculty numbers eleven, with two hundred and twenty-eight students (1896).

One of the noted preceptors of the state was Jacob S. Spalding (LL.D., 1868). His career began at Bakersfield in 1840, and was concluded at Barre in 1880. For two-score years he did yeoman's service in preparing young men for the university, or for responsible places in business or the professions. The elegant High School building named for him, raised on the site of the old Barre Academy, is a fitting memorial of a life self-consecrated—and not without signal results—to the service of his generation and the state.

Later in origin, but for many years eminent among secondary schools in this state, is the institution started at Saxton's River in 1876, and known as the Vermont Academy. Besides the school-grounds proper, containing thirty-six acres, it owns a farm of two hundred acres, has a chapel seating six hundred persons, and hospital accommodations, besides the usual provision for dormitories, laboratories, lecture rooms and gymnastics. The usual course of physical training is supplemented here, in the case of the male students, by military instruction, given by a United States army officer. The school is under the control and inspection of the Baptist State Convention, but its patronage is by no means confined to that denomination. It has a teaching staff of eleven, with one hundred and fifty-eight students in attendance.

The Seminary at Montpelier is a numerously attended and efficiently conducted school, under the direction of the Vermont M. E. Conference. The Troy Conference Academy at Poultney draws a large patronage from the adjacent state, and sends a yearly contingent to the colleges.

Other similar foundations deserve mention here, as the academies in Thetford, Derby, Craftsbury, Goddard Seminary at Barre, Lyndon Institute, Leland and Gray Seminary at Townshend, and more. But space is limited, and a word must be said of the high schools of the state, which in some towns of late years have supplanted the old-time academies. Suffice it to say that in the larger towns, as Rutland, Brattleboro, Burlington, St. Albans, Middlebury, Vergennes, Bennington, Woodstock, and others, they are as well organized and as ably taught as in like communities anywhere in New England. The methods are modern, the instruction thorough, broad and practical. The School Report for 1896 shows a total of forty-six high schools and twenty-four academies, or seventy schools of secondary grade. Of the academies all but four have a basis of invested funds, though but seven report more than \$20,000. Brigham Academy, in Bakersfield, has an endowment of \$130,000, besides a spacious and well-appointed building. The latter is the gift of a former townsman, a merchant in Boston; his sister added \$100,000 to the fund by a legacy. Nearly all the schools named report libraries. The Rutland High School has over fifteen hundred volumes; Bradford, two thousand; Montpelier, over three thousand. Of the academies, Thetford has two thousand eight hundred volumes; Poultney, two thousand nine hundred; and the Vermont Academy, three thousand eight hundred. Each of these towns offers the use also of a free public library.

In making adequate provision for the training of teachers, Vermont as a state has a record of which she has no great reason to be proud. The first State Normal School in the United States (at Lexington, Mass.) had been twenty-nine years in operation before Vermont moved in the matter. Yet private enterprise had done much to supply the recognized want. Even as early as 1785 Jacob Eddy, the Quaker

town clerk of Danby (organized 1769), opened a select school expressly for the purpose of training young men for the vocation of teaching.\* A Vermonter deserving mention in every sketch of the history of education in America was the Rev. Samuel Read Hall (LL.D. 1865), who, while discharging the duties of a pastor in Concord, began a school for teachers in his own house in 1823. Two years later Concord Academy was chartered as a county grammar school and teachers' classes organized, and in 1826 regular normal school training was undertaken, an essential feature of which was the model or practice school of younger pupils, everywhere today held to be an indispensable auxiliary in normal training. Mr. Hall taught in Massachusetts and New Hampshire, 1829-40, when he returned to Vermont and instituted in Craftsbury a three years' course of pedagogical discipline, which he personally conducted until 1846, and for many years after continued to lecture in the institution to successive classes. It is worth while to add that "Father" Hall was not only the founder of normal schools in the United States, but the first to make use of the blackboard in the school-room.†

Of the secondary schools which have made a specialty of pedagogical training none is more deserving of mention here than St. Johnsbury Academy, when under the guidance of Mr. J. K. Colby. His scheme for a permanent normal department was frustrated by his too early death. Other efforts to equip the schoolmaster for his work were made at Brattleboro in 1847, at Royalton in 1856, and at Randolph in 1861.‡ In 1866 the Legislature authorized the establishment of three normal schools, one in each congressional district, thus providing one school for every 105,000 inhabitants—a number more than twice greater proportionally than is yet possessed by any other state in the Union. Yet it must be confessed the state has sought to get her tale of good bricks without furnishing much straw, never having erected or owned a school building, or paid for a single year the running expenses of one school. Beginning in 1868 with a subvention to each of two schools of \$500(!), raised to \$1000 in 1871, and to \$1500 in 1873, in 1896 she paid to the three schools a total of \$12,840.§ What could have been done for the education of her children by one training-school properly manned and equipped will never be known.|| But Vermont owes a debt which she will never pay, to certain heads of these schools, who have spent their best energies in her service with but small reward in money or fame.

There seems to have been in early days a prejudice against female teachers. The

\* "History of Danby," p. 138.

† S. R. Hall was one of the principals of Phillips Academy, Andover, about 1829-36. While here he wrote frequently for the *Annals of Education*, published several educational works, and in 1833 delivered a lecture on the *Necessity of Educating Teachers* before the American Institute of Instruction, an organization of which he was one of the original founders. His advocacy of normal training was unceasing, and contributed largely to the establishment of that first State Normal School in Massachusetts (1839). Dr. Hall died in Brownington in 1877. His *Lectures on School-Keeping* (1829) went through several editions. The state of New York bought an edition of 10,000 copies, and placed one in each school-house in the state. His *Lectures to Female Teachers on School-Keeping* appeared in 1832.

‡ In the last two by the same person, Edward Conant, still the indefatigable head of the Randolph Normal School, and for six years state superintendent of education.

§ The Legislature of 1896 voted \$5,000 a year to each school.

|| The three schools aggregate eighty-five years of work, at an average annual cost of less than \$2,400, including all state scholarships. A single school in Massachusetts costs over \$20,000 a year; in New York more than twice that sum. In 1896 there were 699 teachers who had attended Vermont Normal Schools, of whom 532 were graduates; 166 were graduates of colleges.

town of Shaftsbury, *e. g.*, voted in 1787 that none of the public money should be applied to the support of any school taught by a woman. This vote had the same general aim, no doubt, as another passed the same day, forbidding the payment of public money to a teacher who had not been "actually examined and approbated" by the town committee. There is no evidence that in Vermont girls were ever excluded from the schools attended by their brothers; though in Massachusetts, we are told, they were so shut out until the last decade in the eighteenth century. Boston excluded them till 1790; and for thirty-two years longer suffered them to attend only in the summer, when, their brothers being, many of them, at work, the school-room was partially vacant. In Northampton girls were first admitted to the town schools in 1792. The town had gallantly voted in 1782 "not to be at any expense for schooling girls."

In 1896 more than five-sixths of the teachers of Vermont are women, receiving on the average (only) \$26.72 (board included), as against \$38.48 paid to men.\* It should be added, however, that men usually hold the more responsible positions.

In the matter of female education the cultivated community of Middlebury seems to have moved first and most energetically. The grammar school had been chartered but three years, when, side by side with the college, and begun in the same year, 1800, they established a Female Seminary of high grade, which soon outgrew its quarters and necessitated the erection of a separate building. In 1807 Miss Emma Hart, from Berlin, Conn., assumed the direction of this school; in 1814 she (then the wife of Dr. John Willard) opened a school at her own house—the beginning of the institution which after 1821 became so widely famous as the Troy (N. Y.) Female Seminary, and which may be fairly claimed to have set the standard for the education of women, since so admirably realized in the best women's colleges.†

Mrs. Willard's great achievement—in proving the ability of the girls to keep pace with their brothers in most of the fields to which hitherto only the latter had been admitted, and in permanently elevating the ideal of female education—was conceived and wrought into practicable form under the shadow, and probably in part through the example and stimulus, of Middlebury College. Here, too, by Otter Creek, was begun that systematic training of young women for the duties of the school-room which, in later years, made the Troy Seminary the most widely influential "Normal" institute in the United States. So it would seem that Father Hall, generally reputed the first of Americans to realize the idea of a normal school, was anticipated in his own state by some seven years.‡

Important in their bearing on the intellectual development of many townships have been the libraries and debating societies formed in early times. One of the most interesting survivals of those primitive days is the town library of Brookfield, an association dating from 1791. It is unique, so far as is known, in the history of New England. Of the many like institutions which followed soon after in all sec-

\*Just fifty years ago the average wages per month were reported to be: for males, \$11.72; for females, \$4.65; the average sum paid for each scholar, \$1.18. Average cost per pupil in 1896, \$14.16; average cost per week of school, \$12.22. Total expenditure in 1896, \$1,067,414. In some sections of Massachusetts, fifty years ago, the country school-ma'am received \$1 a week and board.

†Swift's "History of Middlebury," p. 395.

‡The first Educational Society in the United States, so far as known, was organized in Pawlet, Vt., in 1804; the second at Middlebury, in 1813; the third in Dorset, in 1814. Here may be discerned the germ of the American Education Society.

An interesting statement of what Vermont has done for education may be found in the Rev. A. D. Barber's "Address before the Vermont Historical Society," November, 1896.



tions, this, and that started in Williamstown in 1803, seem to be all which have lasted without break to our day. Even down to this year the custom still holds in Brookfield of gathering in force from far and near four times a year, and selling the use of the books to the highest bidder. It is a quarterly town-festival. Families bring their lunch, and make a day's picnic of it. This literary auction occupies a good share of the day, the lucky buyers taking their prizes home in triumph. The library is renewed and enlarged by the money so obtained, and by sale of volumes no longer desired. The collection includes two thousand volumes.\* What this habit of reading choice books has done for Brookfield may be seen in the general intelligence and thrift of the parish, and in the unusual proportion of young men and women who have sought the higher education. The library at Montpelier † existed as early as 1794; that at Bradford was chartered in 1796; that of Pittsford was formed the same year.

Indeed, there seem to have been similar collections all about the state, made up, not of romances or magazines, but of works on history, biography, science or travels, of more solid character than are generally sought today. In course of time most of these came to be neglected; in some cases they were sold off, or divided among the stockholders. But before their dispersion they had paid a large dividend in the widened outlook furnished, and in the stimulus and suggestion imparted to the more inquisitive and ambitious minds.

One society, still earlier than that of Brookfield, illustrates so aptly the temper and ambitions of the time, that place must be given to it here. It was organized at Bennington at some date previous to September, 1781, and called itself at first the Friendly Society, then the Philosophical Circle of Science, and at last the Philosophical Society of Bennington. It had an elaborate Constitution, or "Federation," as they styled it, of twenty-six articles, the thirteenth of which reads: "Each Fellow of the Society shall own and profess the Protestant Religion, and be of good moral character." ‡ Their purpose, as declared in article two, is to "improve ourselves in the studies of philosophy, moral and natural, or Humane and Divine, as understood and explained by Peter V. Menschenbroeck, M.D., in his *Elements of Natural Philosophy*, vol. 1, chap. 1, page 1." In the winter of 1781-82 they founded a library containing books on history, philosophy, geography, algebra, geometry, navigation, surveying, anatomy, grammar, logic, theology, and Bailey's dictionary. They had regular and frequent debates, now on the most practical, and now on the most abstruse, questions. They also had public lectures and addresses, apparently once every three months. The library grew, and a tax of ten shillings per member was laid May 4, 1789, for its increase, an additional tax of two and sixpence four days later, and a special tax of nine pence August 26th, to pay for the "American Museum." To the original document (the source of the sketch given above) twenty-one gentlemen appended their "hands and seals."

\* This remarkable association held a fitting celebration of its centennial June 17, 1891, with an address and poem in the First Church of B. On the first Wednesdays of June, September, December and March—four hundred times in succession without failure—this unique festival had been kept! The association had originally forty-eight stockholders. The prices paid for the quarter's use of a volume went up sometimes to forty and even to sixty cents. The year's receipts seldom exceeded \$100.

† The Montpelier Library, with a judicious impartiality, "excluded all novels and all religious books." D. P. Thompson's *History of Montpelier*, p. 84.

‡ This article may be set over against President Dwight's depreciatory remarks alluded to above.

Some of these men became United States senators, judges, speakers of the legislature, state censors and councillors; one was secretary of state, and one United States attorney. Altogether, it is an extraordinary and a significant document.\*

In recent years Vermont has shared in the general movement to found and endow libraries. The Athenæum (with Art Gallery) at St. Johnsbury, the Norman Williams Library at Woodstock, and like foundations at Burlington, Montpelier (two), Rutland (two), Brattleboro, Newbury, Pittsford, etc., some of them elegantly housed in permanent buildings of marble or granite, testify not simply to the enlightened generosity of certain originators or donors, but to a definite rise in the intellectual thermometer. The town library is shown to visitors as an index of the mental level maintained by the community. It stands by the schoolhouse and the church, a little university for the graduates of the former, complementing and extending the teaching of the latter.

A movement initiated in 1894, giving State aid to such towns as should start free libraries, has met with a gratifying response, fifty-nine towns having accepted the conditions. Omitting the state collection of thirty thousand volumes, and those of the University (fifty thousand), Middlebury College (twenty-one thousand), and the Vermont Historical Society, there are one hundred and eighteen public libraries, none of them large, as but thirteen exceed five thousand volumes, and but five exceed ten thousand, the largest (Burlington) reaching thirty-five thousand. Various high schools and academies, and some churches, also have libraries, with a more restricted circulation, none of them containing more than three thousand five hundred volumes.†

The State Teachers' Association, organized in October, 1850, under the presidency of Dr. Worthington Smith of the University, has served not only as a rallying centre for the whole confraternity of Vermont teachers, but has appeared by its delegates before the legislature, and contributed not a little to reforms in school legislation and school methods, as well as to the growth of an *esprit de corps* in the pedagogical body. Nearly every change proposed has first been canvassed and criticized here. Conservatives and progressives have met in open and friendly but strenuous combat, and at the close of the fray, have found themselves nearer together, or have both been able to take a wider survey of the field. So a healthy progress has resulted from this annual exchange of ideas, and the public-school teacher has profited by contact with his peers and with instructors in academy or college. The forty-seventh annual convention, held in St. Albans in November, 1896, by its scholarly addresses, animated discussions, and general tone of enthusiasm and fellowship, was an augury of good for the future of the schools. This open forum for educational debate has been copied also in county associations, some of which have amply justified their existence by the quickening imparted to the schools in a group of contiguous towns. Of teachers' institutes there is no occasion to speak, as these do not materially differ throughout the northeastern states. A new aid in the same field is the summer training schools for teachers, recently started in different parts of the state.

\* Of interest to Vermonters will be one more citation from this ancient record. In January, 1788, they "Voted that Col. Ira Allen [three years later the founder of the State University] be admitted an honorary member of this society." A full account of this old document may be found in the *Burlington Free Press* of January 23, 1880.

† In 1896 one hundred and eight school libraries are reported, with about four thousand volumes added during the year.

The first printing-press in the state was set up at Westminster in 1779,\* and the first newspaper (*The Vermont Gazette*, a weekly) was issued at the same place February 12, 1781. At the end of two years it ceased to appear, and another sheet with the same name was started at Bennington in June, 1783, which lasted sixty or more years. The *Vermont Journal* was published at Windsor, 1783-1834. The fourth venture was *The Rutland Herald*, begun in 1792, and still continued. At present the state has but four dailies, in Burlington [two], Rutland, and St. Albans, and sixty-six weeklies, and depends largely on Boston and New York for its daily summary of the world's history.

Three attempts have been made to conduct a separate educational journal; in 1847, in 1853, and in 1859. The first venture lasted five years; the last four. The field was found to be too narrow, and the competition with city journals too sharp, to encourage the enterprise.

The school system of Vermont finds its roots in the Constitution of 1777. The fortieth section of that document provides for "a school or schools in each Town" to be established by the legislature, "with such Salaries to the Masters, paid by each Town, making proper use of School-lands in each Town, thereby to enable them to instruct Youth at low Prices." The state scheme of education is completed by the next clause: "One Grammar School in each County, and one University in this State, ought to be established by Direction of the General Assembly."

The plan is as simple as it is comprehensive. The sagacious founders of the commonwealth sought to achieve complete independence, intellectual as well as political. If the aspiring youth of the little republic had to seek academic or collegiate training outside its borders, something would be lacking to perfect autonomy. Such necessity of resort to "foreign" teachers would be evidence of felt inferiority; it would be galling to state pride. How then came it about that the Revised Constitution of 1786 said nothing of "one university,"—nothing, indeed, of any discipline whatever beyond the "county grammar schools?"

The town of Hanover, in New Hampshire, the site of Dartmouth College, was once, for a time, a portion of the republic of Vermont. It, with fifteen other towns to the east of the Connecticut river, was represented in the Vermont General Assembly of 1778, and, with thirty-four others, in that of 1781. The college had received its charter twelve years before, and two years before had gained a new president in the person of John Wheelock. Wheelock, in fact, is credited with being the first to suggest this "Union" with Vermont. So it is nothing strange, Dartmouth College having come to stand, as it were, in the midst of Vermont, that President Wheelock should have great influence in the assembly, or that the towns to the west of the river should regard "Moor's Charity School" with much favor. Hanover was nearly as convenient of access to the people on the east, as to those on the west, of the Connecticut. So the Vermonters, by formal vote, became patrons of Dartmouth College in June, 1778, and in 1785 were moved by the arguments and personal suasion of President Wheelock to grant an entire township, 23,000 acres, for the benefit of the rising school, "its situation and connections being most favorable to diffuse useful knowledge through" the state. So, though we have no account of the discussions on this article in the convention of 1786, it is not difficult to see how the words "one uni-

\*The printing-office was started first in Dresden (Hanover) and removed to Westminster. Hon. E. P. Walton thought he found evidence that a printing-press was brought to Vermont by Samuel Gale, clerk of Cumberland (now Windham) County, about 1774-75, but no proof that it was used.



versity" came to be dropped. The more quietly this could be done, the better for the president's plans. He proposed to maintain an academy in each county in Vermont, and to educate at Dartmouth, or at a branch college to be established in Vermont, free of charge, all students from Vermont, on the condition that the state would turn over to his college the missionary and glebe rights in the New Hampshire grants and the college rights in the Vermont grants. This was a scheme worthy of an organizing and forecasting brain. But its adoption would have crippled the otherwise complete independence of the young republic.

The "Unions" of 1778 and 1781, however, were short-lived, and Dartmouth College went back into New Hampshire. The project of founding a university was raised by Elijah Paine in 1785, and again in 1787, and £2,000 offered if the institution should be located in Williamstown. Two years later Ira Allen offered £4,000 provided Burlington were chosen as the site; and Governor Chittenden and others added liberal subscriptions with the same proviso. In November, 1891, the act of incorporation was passed, and Burlington selected as the seat of the university by a vote of 89 to 37.

Allen's visit to England, in 1795, and unexpected detention there and in France till 1801, seriously delayed the execution of all plans for the proposed institution. Meanwhile the Addison County Grammar School had been incorporated (1797) at Middlebury under encouraging auspices. Dr. Timothy Dwight, president of Yale College, in his travels through New England, visited Middlebury in 1798, and was highly pleased with the place, "the sober and religious character of the inhabitants, their manners and various other circumstances," and advised that the grammar school, the building for which was then nearing completion, should be developed into a college. A charter was at once applied for, but for two sessions the prayer of the petitioners was deferred. The legislature of 1800 met at Middlebury, and, after hearing the arguments and considering the plans, and perhaps imbibing, to some extent, the generous enthusiasm of the friends of the movement, conceded the desired charter. Middlebury at that time, it is to be noted, had a population fifty per cent. greater than Burlington,\* a fact which no doubt had its weight with the legislature. The principal of the grammar school was at once made president of the college, and advanced instruction was begun with seven pupils, one of whom received his degree two years after. Dr. Dwight again visited Middlebury in 1810, and noted in his "Travels" the continued prosperity of the college, the generosity of the citizens and the high character of the students. He gives the number as 110, with a faculty of four professors (one of law) and two tutors. Including the graduates of that year, it already boasted ninety-three alumni.

Up to this point, and for some years after, the college was greatly straitened for lack of funds. The Hon. Daniel Chipman, one of the original trustees, assured President Labaree † "that the attempt never would have been made had there not been at the time a confident expectation of receiving the income from the public lands of the state." The legislature, however, steadily refused to withdraw its grants from the State University, or even to divide them with the more recently chartered, but, at that time, more numerous attended, institution. Their committee could "devise no means by which the legislature could expediently afford relief." So the college was thrown back on the generosity and honorable pride of its founders and friends, who responded nobly to appeals for the increase of its resources. Aid was cheerfully given,

\* The population of Middlebury in 1800 was one thousand two hundred and sixty-three; of Burlington, eight hundred and fifteen.

† President Labaree's Semi-centennial Address, p. 13.

not only from the vicinage, but from benevolent promoters of the enterprise in New Hampshire and Massachusetts. A new building was erected in 1815. The pay of certain instructors was for a time guaranteed by philanthropic individuals. Seldom are the interests of a whole community and an educational undertaking so completely identified as in this case. The town gained distinction from the college, and rallied to its aid whenever want or trouble befell. A heroic effort to endow the college was made in 1815, and \$50,000 was subscribed; but an attempt to double this sum was so managed as to impair the validity of the whole subscription, and invite resistance to the attempt to collect it. But various legacies and donations soon came to the treasury, and the threatened danger was averted. In 1835 \$30,000 was raised, \$15,000 of which went to the building of a chapel.

At the semi-centennial celebration, in 1850, the institution already had a roll of eight hundred and seventy-six graduates, of whom three hundred and ninety-seven were clergymen, ten college presidents, forty professors, eleven members of Congress, four state governors, and six judges of superior courts.

We have not space here to sketch the history of the institution during the thirty years succeeding. The effect of the Civil War on the student ranks was the same here as throughout the loyal north. In the years 1866-69 two professorships were endowed by individuals, and a subscription completed aggregating a little more than \$100,000. During the years 1880-85 Dr. Cyrus Hamlin, formerly the head of Robert College at Constantinople, guided the institution vigorously and wisely. He approved himself equally as scholar, administrator, conciliator, teacher. He had a wonderful comprehension of details, a practiced sagacity in the handling of practical affairs. Men had faith in him and in his plans. Short as was his presidency, he left the college on a sounder basis financially, more harmonious, and more effectively organized within itself, and in happier relations with its own constituency and with the state at large.

Two years before his resignation women were admitted to all the privileges and honors of the institution,—a step justified by the sequel. Today, forty-seven young women are candidates here for the bachelor's degree.

In 1886, Professor Ezra Brainerd, who had served as acting president the previous year, was formally inducted into office as head of the faculty and corporation. Under his leadership its endowment has been doubled, through the liberality of Mr. Charles Starr, who had previously given strong financial support; its range of studies expanded, chemical and biological laboratories added and equipped, elective courses offered, a gymnasium furnished with all necessary apparatus, electricity introduced into library and reading room, and other changes effected which, without weakening the general morale of the institution, bring it into closer accord with modern methods and standards of education.

In recent years, the state has granted thirty scholarships, worth \$80 each, thus aiding at once the college treasury and the deserving youth of the state, and the institution has other funds for the aid of worthy applicants.

The general moral tone and intellectual animus of the student body have always been high. The catalogue of 1871 shows that more than one-third of the graduates have entered the ministry (four hundred and eighty-one out of one thousand, one hundred and sixty); and it is said that more than one-fourth have become lawyers. The whole number of graduates in course, 1802-96, is one thousand, four hundred and forty-five. Many of these have won distinction in state or national politics, or on the bench, or as educators, scholars, authors. The list would be too long to give; but we may name Stephen Royce, William Slade, Silas Wright, Solomon Foote, John

W. Stewart, Edward J. Phelps; President Olin, of Wesleyan University; President Rankin, of Howard University; President Flagg, of Ripon College; Dr. Thomas J. Conant, the biblical scholar and translator; the novelist, Daniel P. Thompson, author of "The Green Mountain Boys" and "Locke Amsden;" John G. Saxe, the poet; Henry Hudson, the editor of *Shakspeare*; Dr. Truman M. Post, the pulpit orator and pioneer of a Christian civilization.

The present faculty consists of nine professors, with one other instructor; and the catalogue for 1896-97 carries the names of 111 students.

We return now to the University. The corporation held its first meeting on the very day the act was passed which called it into existence, November 3, 1791; and again in the following June, in Burlington, at which time the present site was selected, and fifty acres set off as its special domain, from lands owned by General Allen. As the proposed institution was near the border of New York, the hope was entertained that, as Vermont had given a township to Dartmouth College, New York, from her wide expanse of unallotted lands, would be disposed to render like aid to a project which promised so much advantage to herself. Petitions and committees were sent to the legislature of that state, but without result. The generosity of Vermont to an institution outside of the state lines has, so far as we know, never been imitated. In 1793 Allen proposed to increase his original gift of £4,000 by £2,000 more, if the name were changed to Allen's University, an offer which the legislature did not accept. In 1794 the president's house was begun, and in 1795 was nearly finished, when Ira Allen made his unlucky voyage to Europe, and for two or three years little or nothing was done. What effect was produced on the trustees by their knowledge of a purpose to found, only thirty-three miles away, an institution designed to rival or supplant their own, may be inferred from the fact that work was resumed in 1798, an additional subscription raised in Burlington in 1799, and contracts made for a four-story college edifice of brick, to be erected the next year. In October, 1800, a president was chosen\* with power to employ a tutor, and instruction was at once begun, four students having been admitted.

For a time President Sanders was the entire teaching staff; a second instructor was added in 1807, two more in 1811, and a fifth in 1813. But the University was poorer than the trustees had supposed. Its endowment of town lands† was unproductive, and Allen's resources were so crippled by his protracted suit in the British Admiralty Court that very little advantage was ever realized from his generous offers. The loss of his sagacious leadership at this juncture was itself a disaster.

The disturbed condition of the country during the War of 1812-14 made it increasingly difficult for young men to seek an education and for the college to supply the demands on its treasury, and in 1814 President Sanders resigned his charge. As the college buildings were taken the following year by the U. S. Government and used as barracks for the soldiers stationed here, instruction was wholly suspended, and the students advised to complete their studies elsewhere. In the years 1804-14 seventy-eight had received the bachelor's degree.

So, after a year's interruption, the University had to begin anew. The years 1815-33 saw four presidents installed. In 1824 came the destruction by fire of the main college building, and the consequent unsettling of the reason of the scholarly president. In 1825 three new buildings were erected. In 1826 the Rev. James

\*President Sanders was appointed October 17th; the Middlebury College charter was granted November 1st.

† Twenty-nine thousand acres in all, scattered through about one hundred and twenty towns and gores, chiefly in the northern part of the state.



Marsh, D.D., became the head of the university, introducing original ideas and methods into the board of instruction, and beginning for this, and for other colleges as well, a new epoch in the study and teaching of philosophy. In 1833 the Rev. John Wheeler, (D.D., 1834), took the helm. His administration gained influential friends, restored confidence in the business and financial management of the institution, substantially increased its available funds, and at once attracted unwonted numbers of young men to the college. A subscription of nearly \$30,000 was applied in part to the purchase of a library and philosophical apparatus. There is no need to speak of the period of general financial distress which followed. The years 1837-39 are signalized in all our histories as years of business depression and disaster. Of the hardships of that time the university had more even than its share. Some legacies fell to it about this time, and in 1847 and again in 1849 the treasury was replenished by subscription and by a more systematic management of its financial interests.

The opening of the Civil War, here as elsewhere, took many young men from the class-room to the field, and kept others from entering. When it drew to a close, the college halls were but thinly tenanted.

In 1865 the University took the State Agricultural College into partnership, and the range of instruction was broadened. Professor James B. Angell (LL.D., 1868), of Providence, R. I., took charge of the combined institutions in 1866. New courses were added in the sciences and modern languages, as well as in the branches more immediately related to the mechanic arts and agriculture, and military exercises were introduced. President Angell's persuasive address, his skill in organization and management, his quick insight into character, and sound practical judgment as to methods, educational and financial, soon resulted in steady gains both in students and in resources. When, after a successful administration of five years, he was called to the direction of the University of Michigan, Professor Matthew H. Buckham [D. D., 1877] was called to the place he had vacated. Since his installation the outward face of the University has greatly changed. The main edifice has been reconstructed, and a new medical college building provided, by the generosity of John P. Howard, of New York city, formerly a resident of Burlington; an elegant and admirably appointed library building erected by an alumnus, Frederick Billings, of Woodstock; a dormitory, modern in construction, finish and equipments, provided by another alumnus, John H. Converse, of Philadelphia; a fireproof building erected, heated throughout by steam and lighted by electricity, for the accommodation of the chemical, electrical, biological and physical laboratories, the gift of Dr. Edward H. Williams, also of Philadelphia, but formerly of Woodstock; a farm has been purchased near by for the use of the Agricultural College; the departments of civil and mechanical engineering adequately housed in a building supplied with steam-power and electric light, besides other additions to the equipment of the institution, among which the various collections, and the laboratory of the State Experiment Station, should not be omitted. The analyses made here, and the reports and bulletins issued, have saved large sums to the farmers of the state \* Elective courses, beginning sophomore year, were first offered in 1889. Young women were first admitted in 1871; between 1875 and 1896 eighty-two had completed a collegiate course and received degrees. Fifty-three were in attendance in 1896.

The number of collegiate students in 1876 was ninety-two; in 1896, two hun-

\* Since 1892 the state appropriates \$6,000 a year to the University, \$2,400 of which is applied to state scholarships, as at Norwich and Middlebury.

dren and forty-five; number of medical students in 1876, seventy-six; in 1896, one hundred and eighty-five; number of academic professors in 1876, eleven; of medical professors, sixteen; number of academic professors in 1896, twenty, with nine other instructors; number in medical staff, twenty-two; whole number of academic students in 1896, two hundred and seventy-one. Whole number of graduates, 1804-96, in collegiate departments, one thousand three hundred and thirty-eight; in medicine, 1823-33 and 1854-96, one thousand seven hundred and eighteen.

The contributions made by the university to the state and nation may be hinted at by citing a few names: Jacob Collamer, John Gregory Smith, John A. Kasson, William A. Wheeler, Horace H. Powers, among statesmen; among theologians, William G. T. Shedd, N. G. Clark, J. H. Hopkins, Jr., and two bishops of the Protestant Episcopal Church; among editors, founders of great journals and moulders of public opinion, Henry J. Raymond and James R. Spalding. Three of her sons have been governors of Vermont; seventeen, members of Congress; sixteen, judges of the higher courts; one, vice-president of the United States; eleven, presidents of colleges; more than eighty, instructors in colleges or theological seminaries.

Vermont's third collegiate institution, differing much from the others in scope and purpose, is Norwich University, incorporated in 1834, and for thirty-two years located in Norwich, on the right bank of the Connecticut, opposite Dartmouth College. The origin of the institution is indeed to be sought farther back, in a "scientific and military academy" founded in 1819 in the same village by Capt. Alden Partridge, who had been superintendent at West Point. The school was under his direction from the start until his resignation in 1843, with the exception of seven years, 1825-32, when he conducted a similar school at Middletown, Conn. The studies and discipline of the school were modeled after those of the United States Military Academy. Greater emphasis was put on the sciences, especially the mathematics as applied in civil and military engineering, with electricity and chemistry, than upon the classics. A thorough system of military instruction was supplemented by an occasional march or military excursion, the cadets going, for example, now to Ticonderoga, making seventy-five miles in the first three days and one hundred and sixty-five in the seven days of the excursion; and, again, to Boston, where they pitched their tents on the Common. This rather austere discipline is believed to have helped rather than hindered the young men in their studies, and to have prepared them for careers which gave scope for high scientific attainments, coupled with the physical hardihood induced by regular athletic discipline. It is claimed for Captain Partridge that he founded the first "scientific, classical and military college" in the United States. The government was vested in the president, but soldierly strictness was tempered with parental care. The student obtained his degree whenever he could show that he had earned it, without following a rigid curriculum in prescribed order, or being in residence a required number of years.

The transfer of Norwich University to Northfield in 1866 was made soon after the destruction by fire of the "Old South Barracks" at Norwich, and mainly for financial reasons, the citizens of Northfield contributing grounds and buildings. A course in arts is offered, as well as courses in civil and electrical engineering, in chemistry, and in general science, combined with literature. The military training and instruction is directed by a United States officer specially detailed for this work. Lectures are given from time to time by men of military experience. The teaching force comprises eight professors and four lecturers. The catalogue of alumni and past-cadets, issued in May, 1895, contains "seven hundred or more" names. The

roll for 1896 bears the names of sixty-one cadets. The college is undenominational, but requires attendance at prayers and on Sundays at such church as the cadet or his parent may elect. The State has recently recognized the excellence of the training here imparted by bestowing on the college thirty free scholarships annually of the value of \$80 each, and for the past twenty years has enrolled its corps of cadets as a part of the state militia. At the time of the St. Albans raid they tendered their services to the state, and were sent to Newport and Derby line in defence of the northern frontier.

No one, after careful inspection of Norwich's Roll of Honor, can question the value of this school to the United States. Some of its earliest graduates gained honor in the Mexican War, and troops of them served with distinction in the War of the Rebellion. In how large measure the glory and success gained by Vermont regiments and by some of those from the other New England states are to be attributed to the discipline and military knowledge gained years before at "N. U.," it is not easy to say, but a large share of it may be traced back to the school organized and drilled by the sagacious foresight of Captain Partridge and his enthusiastic co-adjutor, Professor General Alonzo Jackman.

The usefulness and influence of Norwich University have been unduly limited at times for lack of resources, but the last decade has brought material gains in the way of buildings, endowment, apparatus and additional courses of instruction. Could it be liberally endowed, as its history shows it deserves to be, it might then realize more completely the designs of its founder and the hopes of its alumni, and justify in the sight of all Vermonsters the encomium pronounced by General W. T. Sherman, when, speaking of General T. B. Ransom and the days of his principalship (1843), he called it "then, as since, an academy of great renown." This school, he said, "at one time almost rivaled the National Academy at West Point; many a man who became famous in the Mexican and Civil Wars there first drank in the inspirations of patriotism and learned the lessons of the art of war."

The "Roll" mentioned bears the names of 12 generals (besides two of the C. S. A.), 25 colonels, 40 field officers, 55 captains, 143 lieutenants, and a long list of non-commissioned officers and privates. It is a pity that this Roll has never been properly completed and classified. It is no wonder "Norwich" is proud of it; no wonder that her alumni reunions are characterized by enthusiasm. The Civil War proved the wisdom of this original plan for combining mathematical and military science with a practical knowledge of the soldier's duties. Many a field was won, we may believe, which might have been lost, had not Partridge gathered and trained his classes of future officers. Many graduates of this school have also made for themselves a name as civil engineers, holding important positions in the service of railways and cities.

A new president was inaugurated in November, 1896, and his induction into office was accompanied by friendly and encouraging words from the heads of the two older institutions. This is an omen, as we take it, of an era of frank and generous rivalry; a sign that each school is to build itself henceforth by rearing its walls from its own bases, so fair and high and strong, as to challenge admiration, and to prove its right to exist by making itself an indispensable factor in the complete development of the state.

The most liberal-minded men of Vermont have always deeply regretted that the original simple and sufficient scheme of the first Constitution was not faithfully adhered to: "One Grammar School in each County and One University in this State." Efforts have been made more than once to find some practicable basis of union.



Arguments for such a step were easily found in the financial condition of the two (or three) colleges, as also in the limited population of the state. Many unselfish and sagacious citizens still hold that two colleges would serve the state and the time better than three; and one better than two. The single university, to a greater extent than two or more rival corporations, would have been the object of state pride, the inspiring centre and source of intellectual progress. The division of forces within the state has sent out of the state troops of young men who otherwise would have sought a degree at their own university with an impulse akin to patriotism. The legal and other reasons which have stood in the way of a consummation so much desired, may not be stated here, but it is believed they were not of themselves insuperable.

The institutions of men are like trees. The longer they stand, the deeper they strike their roots; the firmer their grip on the rocks which upbear them. Every fresh class of graduates, every subscription or legacy, but anchors a college the more firmly. Vested interests accumulate, and the ties of sentiment strengthen with the years. To-day a consolidation or re-organization of the higher schools of Vermont is greatly more remote than in the 'forties or the 'sixties; but some cannot help wishing the experiment could be made,—that one college might devote itself to mathematical and military science, a second become the great training college for the teachers of the public schools, duly equipped with money and men; and the third complete the system by collegiate and proper university courses in the arts and sciences. It is but a dream. The preacher says, "That which hath been is that which shall be." To-day the matter of union is seldom broached. Everybody accepts the *status quo*, and is disposed to rejoice in the success and efficiency of the institutions as they are. And yet the seductive, golden dream returns now and then to the hearts of some who desire equally the advancement of sound learning and of Vermont.

Looking outside of their own state, Vermonters take a little pardonable satisfaction in thinking that one of her colleges has, through its instructors, supplied some of the most approved and most scholarly helps (then) available for gaining a knowledge of the learned languages, and that another contributed something to the reconstruction and improvement of the curricula in the northern colleges, and also so bore aloft the torch of a profounder philosophy, that ere long other beacons were lighted from it, and the utilitarian systems in vogue during the first third of this century were displaced by theories more adequate, more honorable to man, and more consonant with Christianity.\*

It is a pleasure, too, to think of the strong support given by Senator George F. Edmunds to the project for a great American university to be established in Washington, with such provision of means and scholars as to emulate the most famous of European foundations, and of that other Vermont senator's lasting monument, the Land Grant Colleges, which witness in every state in the Union to his discernment of the educational needs of the great masses of the people. And they are gratified, too, to know that his latest efforts are still bestowed, as already for long years, on the completion and full equipment of the Congressional Library building. This promises to be the fitting crown of Senator Justin S. Morrill's assiduous labors in behalf of universal education.†

\* The first courses of lectures in any American college on Art were given by Prof. Joseph Torrey, of the University of Vermont.

† It was a citizen of Vermont, the Hon. George P. Marsh, United States Minister to Italy 1861-82, who persuaded the Italian Minister of Instruction to adopt the kindergarten as part of the national system of education. Other European states soon followed the lead of Italy, and ere long some of the United States followed Europe. Connecticut was the first state to adopt the kindergarten, and Vermont the second. [Mr. Barber's *Address before Vt. Hist. Soc.*, p. 98.]


## CHAPTER CXI.

### HISTORY OF MEDICAL AND SURGICAL PRACTICE IN VERMONT.

COMPILED AND WRITTEN BY

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HE compilation of the medical history of a state is accompanied by many difficulties. The men who make such history by their untiring zeal and energy used in humanity's behalf, are invariably the most modest and the most adverse to having their labors lauded, or even spoken of. Those who, on the other hand, can lay least claim to modesty or natural reticence, while undoubtedly drawing an unlimited amount of attention to themselves by their methods, certainly leave far less substantial impression on the real history of medicine in their state. Accordingly, in the search for information, a true physician, while perfectly willing when approached to give all the general aid possible, is yet, in regard to himself and personal matters, as retiring and close-mouthed as the proverbial "clam." But, though surrounded by a barrier of reserve, the noble deeds and achievements of the profession will surely come to light and receive proper commendation.

The medical history of a state, at first thought, is of little importance to the people at large, but a more careful consideration will show beyond controversy that medical men bear a highly important relation to the state and commonwealth. How great that relation is cannot be shown by statistics, but that the honest, conscientious doctor, pursuing his profession by day, and even by night, in a painstaking manner, is certainly contributing his share to the prosperity and success of a state, few can deny.

The history of Vermont medicine, while containing nothing brilliant nor startling, is yet one for every Vermont doctor to feel proud of. Steady, faithful work has been the watchword, and whatever has been accomplished is the direct result of unselfish labors on the part of the whole profession. A few members of that profession may stand forth more prominently than their fellows, but it is only as the exponent of the whole. No one or two men made Vermont medical history what it is. Therefore, though certain names may be given especial mention in this article, it must not be understood that they alone are responsible for what success has been attained, for their labors would have been as naught but for the noble support of those physicians who, perhaps, less favored as to natural gifts, were, nevertheless, always ready to respond when moral or financial assistance was required.

In the consideration of medical history, the institutions for acquiring medical knowledge, *i. e.*, medical colleges, should receive first attention. Their standing, in a measure, is indicative of the status of the medical men of the locality where they have their seat.

Burlington, the Queen City of Vermont, has long been recognized as the educational centre of our Green Mountain state, principally from the fact of its being the seat of the University of Vermont. As the fruitage of a tree determines its type, so do the alumni of a learned institution determine its rank, and the University of Vermont has long been known from the achievements of the men who claim her as their Alma Mater. They have won the highest distinction in the several callings of life, and during the last half century the men who have gone out from the medical department have contributed their share to the present enviable reputation of the University.

This department, designated as the Medical Department of the University of Vermont, has not always enjoyed a condition as prosperous as it now does. Its history, in many ways, is one of difficulties, and the vicissitudes through which it passed in its earlier days would have effectually closed its career had the men who guided its course been possessed of less energy and less perseverance. But, as in everything else worth saving, strong will and earnest effort came to its aid in the dark hours, and the result was success. The difficulties, as met, were surmounted successfully, and though absolute failure seemed imminent many and many a time, the Medical College gradually grew, until to-day it stands entirely on its own merits, an excellent example of a Vermont institution.

It was the direct result of a demand for an organized medical college. Eighty or ninety years ago Burlington was a favorite resort for many young men who were pursuing the study of medicine, and from 1810 to 1823, at which time a medical college was organized and formally opened, a number of medical students gathered here from different parts of the state to receive instruction from Dr. John Pomeroy, a gentleman who was then widely known among the profession and laity as an enthusiast in medicine, possessing rare and unusual qualities which well fitted him as both teacher and practitioner. The number of students who yearly assembled to pursue their studies under Dr. Pomeroy became so great that in 1814 he found it necessary to engage more commodious quarters for their accommodation than his office afforded. A building on Water street, formerly occupied as a store, was secured, and the first regular course of lectures ever given in Burlington upon anatomy and surgery was delivered during the winter of 1814 by Dr. Pomeroy to a class of twelve students. Other physicians residing in the vicinity were occasionally induced to give instructions in obstetrics and practice, but in the main Dr. Pomeroy depended on himself alone.

While he was thus engaged in the instruction of students, his son, John N. Pomeroy, was pursuing the study of chemistry, and in 1816 he was engaged to deliver a course of lectures on this branch in connection with his father's course. The son possessed the energy and zeal so characteristic of the father, and while a mere lad was induced to occupy the position of teacher of chemistry made vacant by illness of the university professor. This he did to the satisfaction of the students, giving sixteen lectures to a class of twelve. It is well worthy of note that this was the first regular course of lectures upon chemistry ever given in this country before a medical class.

The medical college movement was not confined to Burlington, and the Castleton Medical College came into existence in 1818. Dr. Theodore Woodward was the



prime mover in its organization, and continued its guiding spirit until the Spring of 1838, when he resigned his duties. From 1821 it was known as the Vermont Academy of Medicine, and was so called up to 1838, when it suspended. This suspension was of short duration, for the work was ably taken up again in 1838 by Dr. Joseph Perkins, who surrounded himself with an excellent corps of professors. The school was located in Castleton, Vt., and proved to be a very popular one, attracting many students each year. Good courses in each branch of study were given, being fully up to the teaching of the time. In 1861, after forty-two years of active work, the college was finally closed from lack of support, leaving behind a fine record and a goodly list of graduates—over three hundred and fifty in all. During its period of activity it produced physicians who were not only an honor to themselves, but who have since their graduation reflected much credit on their Alma Mater. Many who hold its diploma are still practicing in Vermont and her sister states, and, though the time is not far distant when they will be few and pass away, there will yet remain the memory of their work to give Castleton Medical College a lasting reputation. Where it once stood a hotel now holds forth, and though an occasional relic is found in turning over the sod, bespeaking its former use as a medical college, it has served its day.

A few years later, in 1827, at Woodstock, Vt., another medical school was founded by Dr. J. A. Gallup, under the name of the Clinical School of Medicine. He issued his prospectus on the 14th day of August, 1826, and announced that lectures would commence on Monday, the 11th of September next, to continue one quarter. Instruction was to be given as follows:—

"JOSEPH A. GALLUP, M.D., Institutes of Medicine, Materia Medica, Clinical Practice and Obstetrics.

"J. V. C. SMITH, M.D., Boston, Anatomy, Physiology and Surgery.

"CHARLES U. SHEPHERD, A.B., Boston, Chemistry, Mineralogy and Geology.

"MR. LUTHER CROSS, New Hampshire, Botany and Pharmacy."

For some unknown reason, the opening did not occur on the date announced, but was deferred until the 5th day of March, 1827, at which time it did open and continued for twelve weeks. Instead of Dr. Smith, Dr. McKean, of Boston, gave the instruction in Anatomy and Surgery, and Mr. Willard took the place of Mr. Cross in Chemistry, Botany and the kindred branches. The other studies in the curriculum were attended to by Dr. Gallup, who for two years was really the faculty of the school. The Clinical School did not start out under particularly auspicious surroundings, and did not attract very much attention to itself. But before the year was ended the school became the subject of favorable comment and consideration. Many of the surrounding physicians became interested in the school, and endeavored to have the legislature incorporate it. Considerable opposition was met in the legislature, and the matter was dropped, from necessity. Other circumstances occurred at this time, which did not tend to promote the progress of the institution. But, in July, 1829, the faculty gave notice that every obstacle had seemingly been overcome. A new, commodious building had been provided, and the course of study would commence on the first Thursday of the next March. Another important feature announced at this time was that the trustees of Waterville College in Maine had extended their patronage to the institution, and medical degrees would therefore be conferred on such students of the school as should be found worthy in scholarship and character.

Until 1835 the school enjoyed a moderate amount of success under the management of Dr. Gallup, when internal discord and disagreement with other members of

the faculty made it necessary for him to resign. He did this, though not without resentment and regret. The town's people largely sympathized with Dr. Gallup, but, rather than see the college become defunct, they freely gave their support to the new management, and, through the united efforts of all interested, an act was passed by the State Legislature, in 1835, incorporating the school as the Vermont Medical College. This act conveyed the right to confer its own diplomas, a thing which had been done heretofore during the first three years of its existence by Waterville College, and from 1833 to 1837 by Middlebury College.

The medical college now bid fair to achieve much success. Every condition was favorable, financially and otherwise. Under the successive management of Drs. Childs, David Palmer and B. R. Palmer, the college flourished, and gained no little reputation. It had a very strong faculty, and many students were attracted by the course offered, many of its sessions being attended by over one hundred young men. Two terms of thirteen weeks were necessary to graduate, and quite a large number received their diplomas from this college. The students came, not only from Vermont and the adjacent states, but from all over the eastern part of the country.

The Woodstock school was particularly fortunate in having such distinguished men for professors as Willard Parker, Alonzo Clark, John C. Dalton and others of this class, who were well known for their ability, and subsequently held a world-wide reputation as physicians and teachers. Naturally, their accomplishments added to the efficiency of the school, and fortunate, indeed, were the young men who could avail themselves of its opportunities. But in 1856, for various reasons best known to themselves, Professors Lee, Dalton, Sanborn, Thayer and Parker sent in their resignations to the board of trustees. This practically closed the work of the institution, for another session was never again held. The building was sold at auction, and has since become the College Hill House. This closes the history of a school which did much for the advancement, during its period of activity, of Vermont medicine.

In 1832 the medical department of the University of Vermont was regularly organized, with Dr. John Pomeroy as professor of Surgery, James K. Platt as professor of Midwifery, Arthur L. Porter as professor of Chemistry, Nathan R. Smith as professor of Anatomy, and William Paddock professor of Practice and *Materia Medica*.

These gentlemen constituted the medical faculty for the first year, remaining together only one term, at the end of which changes occurred in most of the chairs. John Bell succeeded N. R. Smith as professor of Anatomy, remaining but one year; in turn, being followed by William Anderson, who occupied the chair for four years, when Benjamin Lincoln was appointed, and continued as professor of Anatomy and Surgery until 1835, when Edward E. Phelps accepted the position, remaining until the extinction of the school in 1836. The other chairs were subjected to as many changes, and were even vacant a part of the time, being supplied as best they could by the professors, who still had an active interest in the institution.

In 1836 the degree of Doctor of Medicine was conferred on one person only, at which time the faculty resolved to abandon the enterprise, giving as reason for suspension, "want of students." Up to this time, during the thirteen years of its existence, there were graduated in all one hundred and fourteen students. The largest class receiving the degree of Doctor of Medicine numbered fifteen, in the year 1826. From 1831 to the close of its career, the college continued in a dormant state, being entirely dependent for its existence upon the efforts of three or four professors, and the high reputation which they bore in the community. The burden,

however, finally became too great, and suspension was the result. No effort was made to reorganize the college until 1840, when Dr. S. W. Thayer, then a resident of Northfield, Vt., came to Burlington, called upon the president and several professors of the university, as well as some other prominent gentlemen, and strongly urged their co-operation in re-establishing the college. For some unknown reason no action was taken. In the spring of 1842 Dr. Thayer again appeared before the president, several professors and members of the corporation of the university, and presented a formal petition, for aid on their part to reorganize the medical school, signed by Governor Payne, Samuel Drew, Professors Valentine and Mott, Martyn Payne, Granville Patterson and several other gentlemen. This also received no response, and the matter dropped, seemingly for all time.

But in 1852, Dr. Thayer received a letter, signed by President Smith, Rev. John Wheeler and Professor Benedict, informing him that Dr. Bliss had made proposals to the president and corporation of the U. V. M. to reorganize the medical department, and that he would guarantee, after the organization of the medical faculty, to furnish the building formerly used for that purpose. Coupled with this information was the request that Dr. Thayer should meet the members of the corporation who were to take the matter into consideration. This he did, and after several meetings the proposals of Dr. Bliss were accepted. Dr. Thayer was authorized to organize the medical faculty and present the names of the several gentlemen whom he might select to occupy the representative chairs, to the president and corporation for approval. This he proceeded to do, but met with untold opposition from most of the physicians approached. Still he persevered in the face of all difficulties, and on March 30, 1853, the corporation proceeded by ballot and elected a medical faculty of four professors. The prospects seemed fair now of completing the organization, when unforeseen obstacles presented themselves.

Professor Carr, who had accepted the chair of chemistry, within one week afterwards declined to discharge the obligations of the position, unless a fixed sum should be raised in compensation. This, of course, could not be effected, and therefore there remained but three persons to constitute the faculty.

Dr. Thayer knew no such word as fail, and with the same persistence and determination which had characterized him in the past, he immediately applied to Horace Mann, of Boston, for a competent person to lecture upon chemistry. He was referred to Professor Agassiz, the celebrated naturalist, who recommended one of his associates, Mr. Erno, as a gentleman well qualified to fill the place. Professor Erno consented to accept the position, but only upon receiving a guarantee from Dr. Thayer that \$200 would be paid for his services. A portion of this sum was contributed by the University in payment of services rendered by Professor Erno in the academical department, and the remainder was raised by the medical faculty.

As a last resort, to fill the chair of Theory and Practice, Dr. Horatio Nelson, of Plattsburgh, was appealed to and he immediately accepted, but before the commencement of the lectures informed Dr. Thayer that he would not come unless he could have the chair of Surgery. This change was effected, and during the first term Dr. Thayer gave the lectures on Theory and Practice.

A prospectus was issued, and in it the faculty was announced as follows: "Horatio Nelson, professor of Surgery; S. W. Thayer, professor of Anatomy and Practice; Orin Smith, professor of Obstetrics; and Henry Erno, professor of Chemistry." It was complete with the exception of one chair, *Materia Medica*; but before the opening of the course in February, 1854, the services of a gentleman, then residing in Randolph, were secured, and Professor Walter Carpenter was added



to the list. Thus the organization of the Medical Department of the U. V. M. was completed. A measure of success had been attained, but it was not all plain sailing yet. The professor of Surgery failed to put in an appearance during the second term, and by special invitation of the class, Professor Thayer added to his own lectures those of Surgery, giving two lectures a day during the entire four months.

Various supplies and paraphernalia were required, and one of the faculty, bearing the greater portion of the funds in the treasury, was directed to visit New York and obtain such things as were needed. He went, but has never returned to report the success of his mission. Little things of annoyance were constantly arising, but the dignity of the institution was ably upheld by the faithful and unremitting labors of three or four members of the faculty. A room in the University building was first occupied, but active steps were soon taken to raise money to fit up the building on the south side of the University Park for the Medical College. These efforts proved successful, through the generosity of the many friends of the college and the liberal contributions of the individual members of the faculty.

The matter of raising money even went so far as to cause the ladies of the city interested in the matter to give a fair and bazaar. The funds realized from this undertaking were donated to the Medical College, and used in furnishing a building for occupancy. Henceforth the Medical College occupied a building by itself. A museum was now required to meet the wants of the rapidly-growing institution, and charts, plates and apparatus were needed to illustrate the lectures. As no funds had been provided for the special purpose of these requisites, and almost all the obtainable money had been used in fitting up the building, Dr. Thayer again came to the rescue and gratuitously bestowed upon the college his entire collection of specimens, which had required many years of preparation. This formed an excellent nucleus of museum material, and in addition to this he purchased the anatomical and pathological specimens belonging to Professor Perkins (who for many years lectured on Obstetrics in the Medical College), and this whole collection, obtained through the efforts and generosity of Dr. Thayer, comprises a large portion of the present well-equipped museum of the school.

To Dr. Thayer and Dr. Carpenter should be attributed a large share of the success of the medical college, and it would probably never have lived through its days of adversity but for their untiring zeal and enthusiastic work. Dr. Thayer served most acceptably as dean, secretary and professor until 1872, when he retired from active work, being made emeritus professor of Anatomy. His interest did not cease, however, and his influence and co-operation were noticeable in many of the future successes of the college.

Dr. Carpenter not only brought to the support of the institution a ripe and varied experience as a practitioner, from which he could prepare his lectures upon practice and therapeutics, but his shrewdness, tact and ability as a business man made him invaluable to its success and establishment. He lectured for twenty-eight years, and resigned only a short time before his death, but upon retiring from his active work, as a last effort in behalf of the college, was instrumental in securing an alliance with the Mary Fletcher Hospital, with which institution he was connected as president of the Board of Trustees, thus affording to the college ample opportunities for future clinical instruction.

The Mary Fletcher Hospital, from the time of its erection in 1876, proved a valuable adjunct to the college, and gave new impetus to the school. The student body naturally increased in size as the college developed, and soon the institution

was seriously cramped for room to accommodate the many students attending the courses. But in 1884 its growth was met by the munificent gift of John P. Howard. This marked an important epoch in the history of the school, and through his generosity the large brick edifice on Pearl street overlooking the University park, became the future abode of the medical department of the university. Increased room meant greater facilities, and greater facilities meant more progress. This was amply verified, and each year has witnessed larger classes of students and a higher standard of efficiency. The course, at present, is six months long, beginning about the middle of January each year, and continuing up to July. Three of these courses are necessary for graduation. At a recent meeting of the faculty, however, it was unanimously decided to extend the course one year (thus making it four years in length), and establish the graded form of instruction. This puts the school in the front rank with other progressive medical colleges. The entrance examinations have been subjected to much change, in keeping with the advancement in other lines, and the requirements of the Regents of New York state now constitute the standard of entrance to the college course, S. W. Landon, principal of the Burlington High School, being regent's examiner for the faculty. The matter of leaving the entrance examination in the hands of a disinterested party, not a member of the faculty, speaks highly for the desire on the part of that faculty to raise the standard, and provide better fitted medical students. This medical faculty, as now constituted, consists of twenty-two active lecturers—a notable increase over the four at the beginning.

Dr. A. P. Grinnell, the present dean, was elected to the faculty in 1875, and has given continued service in one capacity or another ever since; as professor of physiology, covering a period of ten years, following which he was elected professor of practice, in 1885, succeeding Professor Carpenter. Dr. B. J. Andrews, the present secretary of the faculty, was elected in 1891, succeeding Dr. J. H. Woodward.

The faculty consists of gentlemen who are recognized as men of high professional standing, and their lectures to their classes are received with enthusiasm. The teaching of the college is modern and progressive, being thoroughly up to the spirit of the times. Everything that will tend to better fit the student for his life work is utilized, and the candidate for graduation is required at all times to exert himself in his own behalf.

On the whole, the institution is one of which its alumni may feel justly proud. From an attendance of ten or twelve students, it has increased to more than two hundred and fifty during the last season, and the prospects are unusually bright for future years. The present success of the college represents an unlimited amount of hard work and tireless energy. Nearly all of those who were present at its birth have passed beyond the ken of mortals, but the work goes on and always will. The prestige enjoyed by the Medical Department is considerable, not only in this country, but abroad, and in 1880 the University of Vermont Medical Department was one of the five medical colleges recognized in Europe, its diploma being accepted, and entitling its possessor to registration. This, certainly, was a high testimonial to its reputation and standing.

Over two thousand graduates have gone out into the world, even unto the ends of the world, ministering to the pains of suffering people. Many have played their part in the past, and new ones are ready to take their places. Thus it goes on. The Medical College is ably fulfilling its mission in the economy, and none can say that it is not an all-important one. Medical men are certainly in a position to accomplish as great changes in matters temporal or otherwise, as any other class, and as

the standard of preparation for a medical course grows higher, their influence will become more evident. The graduate of the Medical Department of the University of Vermont not only is thoroughly competent in his chosen profession, but from his three years' association with men of character and learning, is well fitted to take a manly position among men.

Following are the members of the medical faculty: Matthew Henry Buckham, A.M., M.D., President; John Ordonaux, M.D., LL.D., New York City, Emeritus Professor of Medical Jurisprudence; J. Williston Wright, A.M., M.D., New York city, Emeritus Professor of the Principles and Practice of Surgery; Albert F. A. King, A.M., M.D., Washington, D. C., Professor of Obstetrics and Diseases of Women; Ashbel Parmalee Grinnell, M.D., Professor of the Theory and Practice of Medicine, and Dean of the Faculty; Rudolph August Witthaus, A.B., M.D., New York city, Professor of Chemistry and Toxicology; J. Henry Jackson, A.M., M.D., Barre, Vt., Professor of Physiology and Microscopic Anatomy; Abel Mix Phelps, M.D., New York city, Professor of Surgery; Henry Crain Tinkham, M.D., Professor of General and Special Anatomy; James Nathaniel Jenne, M.D., St. Albans, Vt., Professor of Materia Medica and Therapeutics; John Brooks Wheeler, A.B., M.D., Adjunct Professor of Surgery, Professor of Clinical and Minor Surgery; C. Smith Boynton, A.M., M.D., Adjunct Professor of Chemistry; Patrick E. McSweeney, M.D., Adjunct Professor of Obstetrics; Harris R. Watkins, M.D., Demonstrator of Anatomy.

Professors of Special Subjects: J. H. Woodward, Professor of Diseases of the Eye, Ear and Throat; Greame M. Hammond, M.D., New York city, Professor of Diseases of the Nervous System; William Wotkyns Seymour, A.B., M.D., Troy, N. Y., Professor of Surgical Diseases of Women; Geo. T. Jackson, Professor of Dermatology; J. H. Linsley, M.D., Burlington, Vt., Professor of Pathology and Bacteriology; James R. Hayden, M.D., New York city, Professor of Genito-Urinary and Venereal Diseases; P. M. Wise, M.D., Ogdensburg, N. Y., Professor of Diseases of the Mind; Arthur B. Bisbee, M.D., Montpelier, Vt., Professor of Medical Examinations for Life Insurance; J. E. Cushman, Esq., Burlington, Vt., Professor of Medical Jurisprudence.

In regard to fraudulent medical institutions, claiming to be more than they really were, Vermont has had her share, but a natural antipathy of the people to anything dishonest has prevented them from obtaining any real foothold in the state. The most important of these spurious medical colleges was one located at Rutland, and called by its supporters, or instigators, "The Vermont Medical College." This was incorporated in 1883, and for a time bid fair to attract many students. Dr. George Dutton was the dean and moving spirit in its promulgation and management. For some time it thrived, but before long the medical men of the vicinity began to realize that it was not all that it claimed to be. Various methods were taken to cause it to suspend operations, all unsuccessful, and finally the matter was carried into the courts, and after a bitter struggle culminating in an adverse decision by Judge Powers of the Supreme Bench, to the effect that said Vermont Medical College had no power to confer medical degrees, Dr. Dutton was forced to discontinue operations in Vermont, at least. This closed the history of the most important and dangerous of Vermont's fraudulent medical colleges. The other institutions of like stamp, though less notorious, were disposed of by public opinion and sentiment. People were naturally opposed to giving any support or encouragement to institutions that were not up to the standard of other medical colleges, and investigation of their methods invariably proved that they were not what they claimed to be. These other defunct medical colleges were the Union Medical Institute, organized in 1883,



at Newbury, Vt., and the Trinity University College of Medicine and Surgery of the State of Vermont, organized at Bennington, Vt., in 1889. Both of these were of short duration, passing into oblivion as soon as their real character was known.

The next important division of Vermont medical history is intimately associated with the state medical societies. The medical organizations of a state always have an important bearing on the condition of medicine in that state. Medical men have realized from very early times that definite organizations are conducive to medical progress. The meeting together of professional men, the interchange of ideas, methods, etc., the *esprit de corps*, resulting from their association with each other, all have an important influence on the production of more liberal and better qualified physicians.

Vermont has been particularly fortunate in regard to her medical societies. Each of the three schools has its own society, made up of the practitioners who follow its teachings. Each are doing good work, and accomplishing much for their members.

The oldest of these is the Vermont State Medical Society, whose members are from the regular physicians of Vermont. It was incorporated November 6, 1813, through the efforts of several prominent medical men who wished to receive the benefit to be derived from a good, scientific, medical organization. From year to year, since July 7, 1814, the date of the first meeting, it has steadily grown—many, if not all of the prominent, regular practitioners of Vermont being interested in its development and progress. Dr. Ezekiel Porter was the first president, and Dr. Calvin Deming the first secretary. It can truly be said that this society has accomplished a great deal for Vermont medicine. Papers of high, scientific value have been presented at its meetings, notable discussions have taken place, and these have all tended to raise the quality of medicine in general. The various officers are elected annually, with the exception of the secretary, who continues in office from year to year. The present secretary is Dr. D. C. Hawley, of Burlington, Vt., a graduate from both the academic and medical departments of the University of Vermont. The meetings for the last eight years have been held annually at such place in Vermont as the society has decided at each preceding meeting. Previous to this the meetings were held semi-annually. This society is recognized all over the country by medical men as a scientific, progressive association of medical workers—men who are trying to raise the standard of the profession and make it more honored and respected as the years go by.

The Vermont State Homeopathic Medical Society is also doing its share for Vermont medicine. This society is composed of the homeopathic physicians practicing in Vermont. Their meetings have been held each year, since the organization in 1854, at the places that are decided upon at the preceding meeting. The secretary is Dr. George E. Forbes, of Burlington, Vt. This society is an important one, having an excellent reputation among homeopathic physicians in this country.

The third and youngest state medical society is that composed of the eclectic physicians of Vermont. This was organized in 1866, and is called the Vermont State Eclectic Medical Society. The secretary is P. L. Templeton, M.D., of Montpelier, Vt. The meetings are held annually, and the meeting-places decided similarly to the other societies.

In addition to these state societies, there are many local medical associations. The meetings of these organizations are held more frequently, usually once a month; and at such times papers of local or general importance are read and discussed for the benefit of the members. All contribute to the standing and efficiency of the

local medical men, and by this effect, naturally add to the status of general state medical affairs.

In connection with the medical organizations of Vermont, mention should be made of the White River Medical Society. The physicians residing in close proximity to the White river, which forms a part of the boundary line between New Hampshire and Vermont, constitute its membership. While strictly speaking, not a Vermont institution, the physicians among its members who claim Vermont as their state, have had more or less influence in its growth and success. The society was founded in 1820, and since that time has held many important meetings and contributed in no little degree to the advancement and efficiency of its members. Its reputation has been well earned through the faithful interest and work of those who were instrumental in its establishment and continuance, and it is assured an honorable and a useful future.

Vermont institutions for medical treatment will next be given attention. The good people of Vermont, from time immemorial, have been charitably inclined, and they have realized that their charity could not be turned to better advantage than to relieve the sufferings and pains of others. Accordingly, many medical institutions have sprung up—all charitable in their inception, and aiming to accomplish all that was possible from the medical standpoint for the physical body.

The most important medical institution in Vermont is the Mary Fletcher Hospital. This is situated between Burlington and Winooski on a high eminence of ground and is the result of the beneficence of Mrs. Mary Fletcher and her daughter Mary, who gave the original buildings, forty acres of land and \$100,000 as an endowment. To this was added by will, on the death of Miss Mary Fletcher, a large part of her estate, amounting to over \$300,000. It was erected in 1876, and opened in 1879 for the treatment of patients. Since that time many additions and improvements have been made, until now more than seventy patients can be accommodated at one time.

In addition to the Fletcher gift, from time to time permanent endowments of beds in the Hospital have been made by Mr. Morton, Hon. George F. Edmunds, Henry Loomis and wife, Senator Proctor and the various churches of Burlington.

There are two wards, for male and female patients, respectively, besides the private wards in the main building. There is also an out-patient department and a building for the care of contagious diseases. The operating room is a model one, embodying the best of equipment, as does also the adjoining room for ophthalmic work. Connected with the main building by a corridor, is the amphitheatre, seating over 250 persons, in which are held the medical and surgical clinics of the Medical College. The appointments of this amphitheatre are thoroughly modern, and the best of facilities are thus afforded for clinical work. The clinics are varied and of great range, contributing in no small degree to the efficiency of the college. The private work of the hospital in surgery is highly important, and that the best results are obtained is fully shown by the annual reports.

The following from a recent issue of *The Vermonter* may be apropos at this time :

"The hospital is modern in every particular, and to day is a source of justifiable pride to all Vermonters. Its equipment is unsurpassed, its situation is unequalled, and its discipline and management are matters of favorable comment by all who visit it. Remarkable success has attended the treatment of patients, and the fact of its being constantly full of cases attests to the work it is doing."

The house staff consists of the superintendent, Dr. B. J. Andrews, who is also

the secretary of the Medical Faculty of the University of Vermont, and three house surgeons, who are appointed every six months for a term of a year and a half. The appointments to this staff are made from each year's medical class. There are fifteen nurses constantly in attendance at the hospital, besides a reserve force.

Besides this regular staff, there is appointed each year a sort of advisory staff, composed of physicians living in the vicinity of the hospital. These are divided into attending physicians, attending surgeons, consulting physicians and consulting surgeons; and all such appointments are made for the term of one year by the trustees. The matron in charge is Mrs. E. C. Converse.

Each year, under the auspices of the hospital, a training school is held for nurses. Many young ladies avail themselves of this opportunity to familiarize themselves with the science of nursing. The teaching force is made up of the physicians connected with the hospital. Their lectures are of unusual value, and serve to awaken much enthusiasm among those who attend the course. Quite a number graduate from the training school each year, after two years' study and actual experience in nursing, and go out into the world to practice their chosen profession, or else apply their knowledge in the home and for the benefit of their own families. A grand work is thus being done in fitting young women for the better care and comfort of the sick.

As a whole, the work of the hospital has been highly satisfactory. Efficient management thus triumphed over every difficulty as it arose, and there certainly is no room for fault-finding. There is no doubt that the hospital is cramped for room, for it has been crowded to its fullest extent for some time, as many as one hundred patients being obliged to be accommodated at once. Improvements and more additions are urgently needed. But, sad to say, the wherewithal is not forthcoming at present. A liberal endowment just at this time would prove a wonderful help, and add greatly to the future of the hospital. A children's ward and an ophthalmic ward are certainly needed, and if a new separate administration building could be built, it would sufficiently increase the room for private patients in the main building. These things are sure to come in time, but they are needed now. Mary Fletcher Hospital is doing too grand a work to be held back by a lack of room. Its situation, commanding one of the grandest views in the country, its able management and past successes, will greatly aid its progress in years to come, and its future possibilities as a power for good in this locality are beyond the focus of human eyes.

Another hospital in Burlington, which is doing an excellent work, is that known as the Fanny Allen Hospital. This was founded in 1893, by Michael Kelly, in honor of the first American nun. This hospital is under the management of the Catholic church, who appoint each year a staff of attending physicians, attending surgeons, consulting physicians and consulting surgeons, similar to the Mary Fletcher Hospital. Also each year from the graduating class of the Medical Department of the University of Vermont there is appointed a physician who resides at the hospital, and is known as the resident physician. The capacity of the hospital is such as will accommodate thirty (30) patients, and it usually is full of cases. It is situated about four miles from Burlington, between Winooski and Essex Junction, and is easily reached by the electric cars. Formerly to 1893 the hospital was the old "Dunbar House," a well-known hotel. It has an ambulance service which is frequently utilized for accidents occurring in Winooski, Burlington and the surrounding country. Since its erection the hospital has had frequent additions, and is ably fitted to do a splendid work in its line. The nursing in the hospital is performed by the Provident Sisters of Mercy.

The next hospital of importance in the state is situated in St. Albans. This



was erected and endowed in 1882 by Chauncey Warner, of Cambridge, Vt., and is called the Warner Hospital. The superintendent is Dr. T. R. Waugh, and the matron in charge is Miss M. C. O'Neil. Like the hospitals previously mentioned, a staff of attending and consulting physicians and surgeons is appointed annually by the trustees. The capacity of the hospital is for forty patients. St. Albans being a large railroad centre for the Central Vermont railroad, there are more or less frequent railroad accidents, and these serve to keep the hospital well filled. In addition to these, the hospital draws from the surrounding towns many patients, who require such surgical or medical treatment as can only be obtained in a hospital. It is well equipped with modern hospital appliances, and is well fitted to accomplish a great deal for its patients. The staff of physicians connected with the hospital are well known as professional men, and they contribute considerably to the standing of the institution. It certainly is accomplishing much for the people in the vicinity who are afflicted with physical ailments, and is an institution well and favorably known for its discipline and management. Its success has been well won, and is bound to be lasting and substantial.

June 5, 1896, at Montpelier, the Heaton Hospital was organized, as a result of a gift of a splendid building and ten acres of land from the Hon. H. W. Heaton, of Montpelier, to a board of trustees made up of the following: George E. Taplin, president; John Mooney, vice-president; C. H. Heaton, secretary; L. Burt Cross, treasurer; an executive committee, consisting of George E. Taplin, Frank A. Shurburne, Wallace G. Andrews; and a finance committee, made up of John Mooney, James W. Brock, Hiram Huse and L. Burt Cross. The people of that town had long felt the need of having a local institution for the treatment of their sick, but necessary funds were not forthcoming to meet this demand until the kindness and beneficence of Mr. Heaton opened the way to its materialization.

The hospital is a large wooden building, with an extensive pavilion, and has a capacity for twenty patients. It is fitted up with everything required to make a modern hospital all that it should be, and a trained staff of nurses and physicians are always in attendance. It is located on high, dry ground, apart from other buildings, thus affording the best of air and sanitation. The rooms are arranged admirably in a scientific manner. At the close of the war the United States Government had a hospital a few rods from where this hospital is now located, and it was pronounced by the United States Government inspectors at that time to be the second healthiest locality in the country. The view from the Heaton Hospital is all that could be desired, as it overlooks the city of Montpelier and a large number of the more prominent peaks in the Green Mountain range. The hospital was incorporated October 23, 1896. Though one of the youngest medical institutions in Vermont, it has been found to answer its purpose in a highly satisfactory way. Since its erection and establishment many have been benefited within its doors, and, without doubt, in the years to come it will accomplish much more for the people in the vicinity.

The most recent hospital established in Vermont is that known as the Proctor Hospital, located at Proctor, Vermont. This hospital was built and equipped by the Vermont Marble Company, of which the president is Senator Redfield Proctor, and was opened for the admission of patients August 6, 1896. The company began in 1895 to permanently employ trained nurses at Proctor and West Rutland to attend cases of sickness among its employees and their families. By the success of that work it was decided to undertake the larger enterprise of providing a regular hospital for its employees. The hospital is located in the village of Proctor, only a short distance from the centre of the village. The plans were drawn after careful inspection

of some of the best of the smaller modern hospitals in this country. In every way it is a modern institution, being equipped with everything that will add to its efficiency. Ten patients can be conveniently accommodated, and in cases of emergency a larger number. The hospital is intended, primarily, for the benefit of the company's employees and their families, but any of the residents of the communities in the vicinity are freely admitted as patients. The limited income received from patients who can afford to pay for board and treatment is used in partially meeting the expenses of the hospital. But of course this is inadequate, and so the Vermont Marble Company furnishes, from time to time, such sums of money as will enable the hospital to be conducted in the best and most efficient way possible. The medical staff consists of two attending physicians—Dr. James M. Hamilton, of Proctor, Vt., and Dr. H. H. Swift, of Pittsford, Vt., and a consulting staff of four physicians and surgeons residing in the locality. The matron is Miss Ada Stewart.

This hospital is bound to prove of much benefit to the people of Proctor and the surrounding towns. It speaks highly for the interest which the Vermont Marble Company takes in its employees and their families.

Besides these hospitals, which we have treated at some length, there are many other institutions of like character, though governed by private enterprise, in Vermont. These are all well equipped and abundantly able to perform their mission for the people of the state. Institutions for the treatment of all the various maladies to which humanity is subject are scattered throughout Vermont, and the people therein have little need to go beyond their own state to receive the best of care and treatment.

In regard to insane asylums Vermont has two important public institutions for the care of the mentally deranged. These are located at Waterbury and Brattleboro, and are known respectively as the Vermont State Insane Asylum and the Brattleboro Retreat. The first of these institutions will accommodate six hundred patients, and the superintendent is Dr. F. W. Page, who is assisted by a corps of physicians and attendants.

The Brattleboro Retreat was established in 1834, and can accommodate eight hundred patients. It is in charge of Dr. S. E. Lawton, who also is assisted by several physicians and a large number of attendants.

Both of these institutions are governed by a board of trustees, who familiarize themselves with the needs of each and aim to provide for the unfortunate inmates a good home, where the best of care and modern medical treatment can be exercised in their behalf. These asylums are kept up to date in every particular, and all the modern methods of treatment in accordance with recent progress in regard to mental infirmities are employed.

The medical men of Vermont have always been noted for a spirit of progress pervading their every act and endeavor. As has been said previously in this article, the present enviable condition of medical affairs in the state cannot be attributed to one or two men. Without exception, almost every Vermont physician has had at heart the success of medicine in his state. Methods which were at variance with the established ideas of professional demeanor have never been employed for the advancement of Vermont medicine. Instead each doctor has shown by his personal manner and deeds that more could be accomplished by silent, conscientious work than by superficial claims or statements. Therefore the history of Vermont medicine, as shown in the lives of her medical citizens, may not be one full of brilliant achievements or startling discoveries. Whatever has been accomplished has been the result of steady work and a pursuance of the more solid tenets of medical science. Each

physician has seemed to have at heart the needs of suffering humanity, and tried at all times to the best of his ability to alleviate those sufferings by every legitimate and substantial method. The result of their endeavors is a matter of public knowledge.

Among the men who were intimately associated with medical progress in Vermont, and, who, through circumstances, were brought more prominently before the public, were such men as Drs. John Pomeroy, Theodore Woodward, Joseph Perkins, J. A. Gallup, David Palmer, B. R. Palmer, Elisha Bartlett, S. W. Thayer, Alonzo Clark, John C. Dalton, Willard Parker, Walter Carpenter, Edward E. Phelps, William Darling, and many others whom space will not permit of our mentioning.

Dr. Joseph A. Gallup, whom fate made the founder of the Vermont Medical College at Woodstock, was born in Stonington, Conn., March 30, 1769. While he was quite young his parents moved to Hartland, Vt. Little is known of his early life, except that he was a studious boy and exceedingly fond of books. His parents, being well-to-do people, were enabled to give him a fairly good education. This he acquired eagerly, and before he was twenty took up the study of medicine, and at twenty-one was established in practice in Bethel. Under what physician he studied is not known, but after having practiced a few years, he deemed it best to take his degree at some established college, and so graduated from the Hanover Medical School in 1798. In the fall of 1799 he left Bethel and moved to Woodstock, Vt. Here he began the practice of his profession, and soon acquired no little reputation throughout the state for his ability as a physician. He was early known for his perseverance and efforts to advance the character of his chosen profession, by aiding in the establishment of medical institutions in his vicinity and state, being a charter member of the Windsor County Medical Society, organized in 1812, and of the Vermont State Medical Society, organized in 1813. With both of these societies he became closely identified as officer and member, holding the position of president of the state society for nine or more consecutive years.

The Medical School at Castleton was incorporated in 1818, and in this institution, because of his accomplishments, Dr. Gallup was appointed Professor of the Theory and Practice of Medicine in 1821. The following year he was elected president of the corporation, and served as president and professor until 1825. His connection with the Medical School in Castleton then ceased, and in that year he was appointed Professor of *Materia Medica* in the medical department of the University at Burlington, filling the chair for one year. After that he became interested in establishing the clinical school at Woodstock, and the part he took in this enterprise in carrying that institution through its early days is related elsewhere. In 1825 Dr. Gallup moved to Boston, where he remained a few years. He afterwards returned to Woodstock, and died there October 12, 1849. Dr. Gallup was the author of several medical works: the one upon "Epidemics," published in 1815, was held as quite an authority on the subject for some time, and a more elaborate work, in two volumes, on the "Institutions of Medicine," published in 1839, had a large sale and was an unusually popular work. Dr. Gallup was married in 1792, five children resulting from this union. He was a man of strong character, notable attainments, and though strict and stern in his discipline, was yet characterized by a kind disposition and pleasing manner.

Dr. David Palmer, another of the physicians who was intimately connected with the success of the Woodstock Medical School, was born in 1789, being the oldest of twelve children, four of whom were sons and eight daughters. He was the eldest son, and following the custom of the times, he was designed to follow the occupation



of his father, that of farming, and this might have resulted but for an irrepressible desire for an education, which early developed in David's mind, and would not be set aside by any obstacle. He was taught to read by his mother, who was obliged to keep him at home, because of the distance to the public school. His fondness for reading soon exhibited itself, and everything that he could obtain in the way of a book was mentally devoured. To his fondness for books and desire for an education, David's father gave no encouragement, but the mother was of a different mind. At the age of eighteen, however, his father's permission being obtained, he attended the Castleton Academy one term, and with two winters of interrupted attendance at the district school, this constituted the whole amount of public instruction he ever received. While at the academy, he had frequent access to good books, and under the care of Dr. Gridley took some preparatory steps for studying medicine. At the age of nineteen, the young man left home and went to Middletown, Vt., where he began the study of medicine. When the necessary course of studies had been completed, in 1812, he settled in practice for himself at Clarendon. There he attained considerable success in his chosen field, acquiring quite a good reputation; but in 1822 he removed to Poultney. Not being satisfied to remain in that place, he removed, in 1825, to Thetford, where his practice soon became a large one, and accordingly his worldly circumstances became much improved for the better. He first took an interest in the medical school in Woodstock during a visit to that place in 1828, and had at the time some expectation of engaging in delivering the lectures on chemistry, but nothing came of the matter at that time. In the spring of 1830, when the school was reorganized, he came over from Thetford, gave four or six lectures on *Materia Medica* to the medical class, and returned home. The following summer he moved to Woodstock, and began the practice of medicine in this place, being in company with Dr. Willard Parker for a short time. At the same time of his establishment in this town he became one of the instructors in the medical school, and remained connected with it till his death at Pittsfield, Mass., October, 1840.

The son of Dr. David Palmer, who afterwards became identified with the same school that his father helped to put on a sure footing, was born at Clarendon, Vt., 1813. He graduated from Dartmouth College in 1831, pursued the study of medicine with his father and took the degree of M. D. at the clinical school in Woodstock in 1834. He, not very long after, established himself in the practice of medicine at Belchertown, Mass., remaining there till the summer of 1849, when he came to Woodstock in July, and opened an office. In the spring of 1841 he gave his first course of lectures in the Vermont Medical College, and was soon after made professor of Anatomy and Physiology in that institution. In October, 1854, he left Woodstock, closing his connection with the medical college here, and settled in Louisville, Ky., becoming permanently connected with the medical college in that city, and occupying the chair of Surgery in that institution for the last few years of his life. He died at Louisville on the morning of July 4, 1865, and was sincerely mourned by his many friends and acquaintances, who knew him as a man of sterling qualities, both as a physician and gentleman.

Another man to whom much of the success of the school at Woodstock was due was Elisha Bartlett, who was born at Smithfield, R. I., on the 6th day of October, 1804, of Quaker parents. He attended medical lectures at Boston and Providence, and took his degree of M. D. at the medical department of Brown University in 1828. After his graduation from this school, he still further pursued his medical studies in Paris, under distinguished instructors, and on his return from Paris, took up his residence in Lowell, Mass., and when, in 1836, Lowell was raised to the rank of a city,

he was elected its first mayor. He became well known as a very capable physician, and, in 1839, was elected to the chair of *Materia Medica* and *Obstetrics* in the Vermont Medical College, at Woodstock. From this time until 1852 he filled the position most acceptably. He was finally called, however, because of his unusual attainments as a teacher and lecturer, to an important professorship in the city of New York, in the College of Physicians and Surgeons, where he continued to labor for three years, but failing health at last compelled him to give up active work, and he retired to the paternal home in Smithfield, where he died the 19th day of July, 1855.

Dr. John C. Dalton, who became quite famous throughout the county for his researches in physiology, was another of the men who contributed substantially to the success of the Vermont Medical College. He was born in 1825, at Chelmsford, Mass., and was educated at Harvard University, from which he graduated as A. B., in 1844, and M. D. in 1847. His period of connection with the school at Woodstock dates from 1854 to 1856. The branch which he taught was that of physiology. Although he was not then as well known as he became later, he brought to his work in the college a wonderful understanding of physiology. In 1856 he resigned to accept a similar professorship in the Long Island College Hospital. From this time on he made many investigations in the line of physiological research, and became widely known for his many articles on the particular subject in which he was so much interested.

Dr. Samuel W. Thayer, who was so closely connected with the reorganization and re-establishment of the Medical Department of the University of Vermont, was born in Braintree, Vermont, May 21, 1817. His father and mother were of New England families, who emigrated from Wales early in the seventeenth century. His academic education was obtained at Thetford, Vermont, and his medical degree was received in the Vermont Medical College, at Woodstock, from which he graduated in 1838, settling immediately afterwards in Woodstock. But in 1840 he removed to Northfield, and finally, in 1853, established himself at Burlington. He early made the practice of surgery his specialty, and performed many successful operations. As a professional man of high standing and attainments he very soon became well known throughout the country, and became a member of many scientific, medical and literary societies. In 1854 he was made professor of the Theory and Practice of Medicine in the Medical Department of the University of Vermont, a department which, at the request of the corporation and trustees of that institution, he had organized the year before, as is stated elsewhere in this article.

Dr. Edward E. Phelps was born in Peacham, Vermont, April 24, 1803. His father was Dr. Elisha Phelps, a well-known physician of Haddam, Conn. Dr. Edward Phelps was educated at Yale College and Partridge's Military School, at Norwich, Vermont.

He studied medicine at the University of Vermont Medical Department and at Yale Medical College, graduating from the latter institution March, 1824. He subsequently pursued various courses of study in Edinburgh, Paris, Vienna, etc. On his return from the continent he located himself in New York city, then removed to Danbury, Conn., next to Montecello, N. Y., and finally settled in Windsor, Vt., in 1830. Dr. Phelps very early acquired an excellent reputation as an able physician and was a member of both the New Hampshire and Vermont State Medical Societies, of the Natural History Society of Boston, Northern Academy of Sciences, and honorary member of various other societies of New England. Soon after commencing practice in Windsor his ability and reputation won for him an appointment as professor of *Materia Medica* and *Therapeutics* in Dartmouth College. After serving ably and honorably in that institution for several years he retired and was made *emeritus*

professor of General Pathology. Soon after discontinuing his active work in Dartmouth College he was elected professor of Pathology in the University of Vermont, which position he held for some time. He entered the army of the Union at the outbreak of the war, and served as brigade surgeon in United States Volunteers in the peninsula campaign. Subsequently he erected and was placed in charge of the United States General Hospital at Brattleboro, Vt.; was medical-director of the United States Post at Louisville, Ky., and surgeon-general of the State of Vermont. He retired from the army at the close of the war with the rank of lieutenant-colonel. Under his direction the Stoughton Museum of Pathological Anatomy, founded by Hon. G. W. Stoughton, of New York, was completed. This was probably his most valuable contribution to science. In 1828 he married Phœbe F. Lyon, of Boston, Mass.

After a well-rounded life, full of action and accomplishments, he was obliged to succumb to the inevitable, and he died in 1869. Throughout his life Dr. Phelps was recognized by his fellow-workers and acquaintances as a man of strong character and remarkable ability. Every opportunity which arose for him to do good was immediately accepted; and he never turned a deaf ear to a demand for assistance or help.

In leaving these short remarks concerning the lives of the men who individually and collectively were instrumental in making the history of Vermont medicine an honorable one, we cannot forbear saying a few words in regard to the doctors of Vermont in public life. With but few exceptions, nearly every physician in the state has taken an interest in the politics of Vermont. The people in each town have realized many and many a time that they could not be better represented in the state legislature than by the doctor. They knew him well, admiring his good qualities and overlooking his bad ones. They appreciated his interest in themselves and their families, and if his character, as it invariably did, warranted their respect, why should they not turn to him for guidance in political affairs as in those of a medical nature? This they did, and nearly every legislature has had a fair sprinkling of medical men among its members. Physicians have also held many positions of trust in state government: a notable illustration of this is that of Dr. Nichols, of Northfield, who, for a large number of years, was Secretary of State. It can truthfully be said that the medical men of Vermont have never been found wanting whenever the occasion arose demanding their assistance or co-operation.

There is one thing, however, connected with Vermont's medical affairs which is not quite in accord with what has previously been said in their favor. This is her medical laws. Up to 1876 there was no law governing the practice of medicine in Vermont, but in that year a bill did pass the Legislature to the effect that a state Board of Censors was to be appointed, who should examine all applicants for the privilege of practicing in this state, consider their qualifications, and, if found worthy, issue to them a state certificate. This would give to them the right of practicing in Vermont such branches of medicine or surgery as they were found qualified in. A diploma from any school was to be deemed sufficient evidence of qualification. In the event of an applicant not possessing any diploma he was to be admitted to examination before the Board of Censors, and if such examination proved satisfactory, a certificate was to be issued. Now, while to the casual observer these restrictions may seem quite severe, it is a matter of fact that many applicants have been admitted to the practice of medicine in this state simply because they possessed a diploma from some half-rate medical college, but by the law this was obliged to be accepted as sufficient qualification. Furthermore, this law did not provide against that class of frauds commonly known as traveling quacks, who migrate from place



to place, oftentimes doing an infinite amount of harm to the people with whom they come in contact. Consequently, Vermont people have been open to their machinations, and the result has been disastrous. A measure was introduced before the last Legislature (that of 1896) providing for a far better medical law, one much more in keeping with her medical men and institutions. To our regret, it must be said that this bill did not pass, and the old way still holds sway. This is certainly deplorable, for all that is needed to put Vermont in the front rank of the states of the Union was a good medical law, thoroughly consistent with modern ideas of medical education and knowledge.

In regard to other laws of a medical nature, it must be said that those existing prior to 1886, and relating particularly to public health, were few and were rarely enforced. They were: A law regarding the management of smallpox outbreaks; one regulating slaughter-houses; one giving selectmen authority to abate the nuisances and causes of sickness; one relating to the burial of dead animals; inquests; another seeking to control the manufacture and sale of various food products; and, finally, one relating to the transportation of dead bodies. There was no officer whose duty it was to enforce these numerous statutes, and no one upon whom the people could rely to give competent advice and judgment in case of local differences pertaining to dangerous conditions and jeopardy of public health. Such laws as did exist were either not attempted to be enforced or were only enforced when the strongest public opinion demanded that something be done.

Physicians and intelligent citizens had long recognized the need of a central, authoritative body whose duty should be the control of all matters affecting the health of the people. This feeling frequently found expression at meetings of the Vermont State Medical Society, and it was probably largely due to the persistent urging and demands of the members of this society that the law of 1886 was finally passed. This act, creating the State Board of Health, prescribed that it should "take cognizance of the interests of life and health among the inhabitants of the State," should make "investigations and inquiries respecting the causes of disease," "epidemics," "the means of prevention," and "advise with municipal officers in regard to sewerage, water-works, public buildings," etc. The only actual authority given the board under this law was contained in the last section of the act, and was couched in these words: "This Board shall have authority to promulgate and enforce such regulations for the better preservation of the public health in contagious and epidemic diseases as they shall judge necessary." The authority here so vaguely expressed was naturally construed by the board to apply only to the suppression of diseases actually present, and the board was often badly handicapped in its work by its apparent lack of authority over disease-producing conditions, where disease had not really appeared.

The board acted under this law for six years. Its work was mainly that of an advisory body, and its influence mainly educational. The first substantial addition to Vermont public health laws, after this, was in 1892, when the act was passed creating local boards in each town, city and village, which were to consist of the selectmen, trustees, or bailiffs and aldermen, together with the health officer, appointed by the state board. The original law was also changed so as to give the state board authority not only "in contagious diseases," but also regarding "the causes which tend to their development and spread." These additions strengthen these laws very materially. Local boards were given considerable authority; health officers were given a legal status; infectious diseases were made the subject of careful attention; physicians were required to promptly report all cases of an infectious or contagious

nature to the local boards, and the governor was directed to require the state board to enforce quarantine regulations against other states and countries whenever we were threatened with "invasion of cholera, smallpox, or any other infection." The recent session of the legislature (that of 1896) made still further amendments of and additions to these laws, all important and likely to vastly increase their efficiency.

The registration law of 1896, placing the vital statistics of the state in the hands of the State Board, requiring reports of births and deaths from physicians, and placing safeguards against the disposition of dead bodies, gives us a law in every way modern and in harmony with those of other states. Another important addition to our health laws at this session was the act placing the sanitation of school-houses in the hands of the State Board, and requiring local health officers to report each year the sanitary condition of all school buildings in their towns. The reports of the secretary of the State Board are hereafter to be published only biennially, and with them will be incorporated the registration reports. Our health laws also received attention in several minor details, and with these changes and additions make a very creditable chapter of the state laws. Without doubt there are still many imperfections in these statutes, but as a whole Vermont has taken a good position in sanitary legislation, and the thorough and impartial enforcements of the present existing laws will surely make a decided impression on the general healthfulness of Vermont people and cause a material reduction in the death rate.

The personnel of the State Board of Health, since its creation, has been as follows: The original Board, appointed in 1886, by Governor Ormsbee, had as members Dr. C. L. Allen, of Rutland, who was its first secretary; Dr. A. H. Chesmore, of Huntington, the first president, and Dr. J. H. Hamilton, of Richford. These constituted the Board until the death of Dr. Allen, in July, 1890. The vacancy caused by Dr. Allen's death was filled by the appointment, in July, 1890, by Governor Dillingham, of Dr. C. S. Caverly, of Rutland. The Board, as reorganized at this time, had Dr. Chesmore for its president and Dr. Hamilton for secretary. This was its organization until the death of Dr. Chesmore, in January, 1891. Dr. Chesmore's place was filled in May, 1891, by the appointment of Dr. O. W. Sherwin, of Woodstock. The Board remained as then reorganized until December 1, 1896, with Dr. Caverly, as president, Dr. Hamilton as secretary, and Dr. Sherwin. At the last session of the legislature (1896), Dr. H. D. Holton, of Brattleboro, was appointed a member of the Board, and it now consists of Dr. Caverly, president; Dr. Hamilton secretary, and Drs. Sherwin and Holton.

The Board aims to keep the laws of the state in harmony with the recent important discoveries in preventive medicine, to secure their observance by intimate co-operation with local boards throughout the state, and always relies on the medical profession to give it at all times its hearty support. That every medical man in Vermont is in sympathy with the grand work of the State Board of Health, is very evident. The aim of the Board, to advance in every way the general health of Vermont people, to lower the death rate, and avert by every possible means suggested by modern researches and investigations, the fearful onslaught of contagious diseases, is commendatory. The best wishes of the whole profession, the sincere gratitude of the people and the approbation of everybody familiar with their work, both in the past, the present and the future, is with them.

Medical journalism in Vermont, strange to say, never reached any great proportions. A medical journal was started some few years ago in Newport, Vt., continuing for a short time. The editor and publishers gave a commendable journal to the profession, but it did not meet with any hearty response, for some reason or other, and

it went to an early grave. Nothing further was done in this line until January, 1895, when the *Vermont Medical Monthly* came into existence. This was a monthly medical journal, edited under the management of H. Edwin Lewis, assisted by a corps of associate editors, made up of several prominent medical men throughout New England. The journal started out under favorable auspices, and in October, 1895, was made the official organ of the Vermont State Medical Society. From this time on the monthly has been quite successful, winning many friends at home and abroad. Its circulation has increased very materially, and its advertising patronage grown each year.

The articles which have appeared with each issue have been of an unusually high character, the physicians writing them being men of recognized standing in the profession. These articles have been quoted extensively, attesting to their value. The management have tried to produce a good medical journal, and in many ways they have been successful. From a weakling it has grown to be a recognized medical journal, and though still young in years, it is wielding an important influence in medical affairs in the East. The prospects are unusually bright for the future of this journal, and many are interested in its success.

The physician residing in a large city has little or no idea of the hardships endured by the country practitioner. In Vermont the population is scattered, and in many rural districts families are so remote from each other that social intercourse is restricted, and to such families the country doctor is a friend indeed. His ministrations to their ills are performed under the most trying circumstances. We find him breaking his way through drifts of snow during many months of the year, climbing mountains on horseback or on foot, in the most inclement weather and through the dark hours of the night; many times the labor performed without hope of pecuniary reward, and when paid the amount realized being in no way commensurate with the services rendered.

Still, this country doctor plods his way on through life, uncomplainingly performing his work, and for his devotion, zeal and fidelity in the cause of humanity, he has well earned the title of hero.

After years of personal contact in professional work among physicians located in the smaller villages and hamlets of Vermont, I am more than ever impressed with their character, honesty and integrity, their devotion to the sick confided to their care, their self-reliance in times of emergency, their ability in successfully treating anomalies in the domain of surgery, obstetrics or practice, and their capacity for work. This country doctor, while spending a large part of his time driving over the mountains and hills, still finds opportunities to read the current medical literature of the day and to keep himself in touch with modern thought and professional advancement.

With this, we will draw our history of medical affairs in Vermont to a close. Surely they contain little for one to be ashamed of. As in every other branch of living, there have come, from time to time, serious disappointments and discouragements. The way has oftentimes been strewn with obstacles and difficulties to be overcome. Serious rebuffs have reacted on the progress of the profession, but now as one stands and looks back over the past, there is no cause for regret in the way in which these adverse conditions have been met and surmounted. Measuring the future by the past, it is safe to predict for Vermont medicine continued success and progress. Wonderful change is taking place in everything pertaining to medicine and medical affairs, and as the years come and go, bringing in swift succession new discoveries, new methods and new ideals for medical men, we may be sure that Vermont will be in the van of progress.



## CHAPTER CXII.

### BANKING INTERESTS OF VERMONT.

BY WILLIAM P. DILLINGHAM.



RIOR to 1817, in which year the first charter for a bank was granted by the legislature of Vermont to private individuals, a large majority of the people were opposed to the establishment of banks, and to the issue of paper money. After the Revolution the people suffered great hardship "by reason of want of both specie and of good paper, and an abundance of counterfeit money of both sorts." As early as 1780 the legislature was forced, in framing a tender act, making gold, silver, copper, and bills of credit emitted by the United States before March 18, 1780, legal tender upon debts, to provide that such bills should be legal tender "according to their current value;"\* and in the year 1781,

\*The following three acts, the first two passed at the October session of 1780, and the third passed at the April session of 1781, show well the financial form and pressure of the time:

"AN ACT DIRECTING WHAT MONEY AND BILLS OF CREDIT SHALL BE A LEGAL CURRENCY IN THIS STATE.

"WHEREAS, no particular money, or bills of credit, as yet have, by any law of this State, been made legal currency therein. And whereas, not only for determining what money and public bills of credit shall be legal currency, but also to decide, as near as may be, at what rate they severally shall pass:

"BE IT ENACTED, &c., that all genuine coined gold, silver and copper shall be legal money in this State, viz.: gold, at the rate of five pounds per ounce; silver, at six shillings and eight pence per ounce; and coined coppers, at two pence per ounce. And that the bills of credit emitted by the United States of America, before the eighteenth day of last March, be a legal tender as money. according to their current value; having regard as well to their current value at the time of making all contracts, as at the time of rendering judgments: to which all courts in this State, in their respective jurisdiction, are to conform themselves.

"*Provided*, no regard be had to the value of said bills, at the time of making any contract which was or shall be for gold, silver, or money equal thereto; or for money to be made good as before the war; or for money to be paid in any particular thing or things, at a certain price; anything in this act to the contrary notwithstanding."

"AN ACT DIRECTING IN WHAT MONEY JUDGMENTS OF COURT SHALL BE GIVEN WITHIN THIS STATE.

"WHEREAS, it is highly necessary and convenient, that all judgments for money, should be in that currency which is most permanent, and least subject to change. Therefore,

"BE IT ENACTED, &c., that all judgments given by any court, or justice of the peace in this State, for any sum of money, on any account whatsoever, shall be for gold or silver; and at the same time the said court or justice shall make a rule at what rate the bills of credit, made a ten-

conditions were such that, "for the purpose of carrying on the war, the payment of state debt, and the enlargement of the quantity of circulating medium," the legislature authorized state bills of credit to be issued to the amount of £25,155. This was done, and the bills were afterward faithfully redeemed, but the relief afforded to the people was both limited and brief. Various other expedients were resorted to by the legislature for the relief of the people, and in 1785 there was granted to Reuben Harmon, Jr., the exclusive right for coining copper within the state for the term of two years, which right, by subsequent legislation, was extended for the further term of eight years.

During the year 1785 the distress of the people was extreme. The great majority were farmers, and were in debt for the land they had previously purchased. Markets for farm products were distant and few, and means of transportation slow and expensive. Heavy taxes had been assessed which many were unable to meet. Owing to the scarcity of money, great numbers of contracts had previously been made payable in specific articles, and were then past due, and creditors were demanding payment thereon in gold and silver. The dockets of the courts were crowded

der in this State, shall be received in satisfaction thereof, having special regard to the act which makes said bills a lawful tender; and all executions to issue accordingly, including therein the said rule.

"*Provided*, nevertheless, the said court or justice, when the said judgment remains unsatisfied until the said bills materially alter in value, may, on proper application, alter said rule, as justice shall require."

"AN ACT ASCERTAINING THE CURRENT VALUE OF CONTINENTAL BILLS OF CREDIT, IN SPANISH MILLED DOLLARS, IN THIS STATE; AND OF CONTRACTS MADE FOR PAYMENT THEREOF, IN THE SEVERAL PERIODS OF ITS DEPRECIATION.

"BE IT ENACTED, &c., that all contracts made on or before the first day of September, 1777, for lawful money or bills of credit, shall be deemed equal to the same nominal sum of gold or silver; and that all contracts made between the first day of September, 1777, and the first day of September, 1780, understood or expressed to be for the common currency of the United States, or Continental currency, shall be rated at Spanish milled dollars, or other coins or currency equivalent, agreeable to the following table, which shows the value of one hundred Spanish milled dollars, in Continental bills of credit, at the several times therein expressed:

September 1, 1777, . . . . . 100	October 1, 1778, . . . . . 325	October 1, 1779, . . . . . 1450
October 1, 1777, . . . . . 110	November 1, 1778, . . . . . 360	November 1, 1779, . . . . . 1600
November 1, 1777, . . . . . 120	December 1, 1778, . . . . . 400	December 1, 1779, . . . . . 1800
December 1, 1777, . . . . . 130	January 1, 1779, . . . . . 450	January 1, 1780, . . . . . 2000
January 1, 1778, . . . . . 140	February 1, 1779, . . . . . 500	February 1, 1780, . . . . . 2400
February 1, 1778, . . . . . 155	March 1, 1779, . . . . . 550	March 1, 1780, . . . . . 2800
March 1, 1778, . . . . . 170	April 1, 1779, . . . . . 600	April 1, 1780, . . . . . 3200
April 1, 1778, . . . . . 185	May 1, 1779, . . . . . 800	May 1, 1780, . . . . . 3600
May 1, 1778, . . . . . 200	June 1, 1779, . . . . . 1000	June 1, 1780, . . . . . 4000
June 1, 1778, . . . . . 220	July 1, 1779, . . . . . 1100	July 1, 1780, . . . . . 5000
July 1, 1778, . . . . . 240	August 1, 1779, . . . . . 1200	August 1, 1780, . . . . . 6000
August 1, 1778, . . . . . 260	September 1, 1779, . . . . . 1300	September 1, 1780, . . . . . 7200
September 1, 1778, . . . . . 295		

"AND BE IT FURTHER ENACTED, that all contracts made on or before this date, may be discharged by paying the just value of the currency contracted for, as ascertained by this act, in silver or gold, or in bills of credit of the United States, at the current exchange, at the time of payment; and that the aforesaid scale be the rule in all courts of law, and in committee of payable for settling the rate of depreciation in all contracts as aforesaid."

with entries of collection suits. The debtor classes were desperate, and prepared to adopt almost any measure for relief. The influence of Shay's rebellion was felt in Vermont, and insurrectionary movements of a serious character were inaugurated in Rutland and Windsor counties, to prevent the holding of courts and the rendition of judgments. The feeling against the creditor classes was intensified by the fact that many of them were non-residents of the state.

In this condition of affairs the legislature of 1786 assembled. Its members realized the desperate condition of the debtor classes and the serious dangers which threatened the state. It immediately entered upon the consideration of measures calculated to relieve public distress, and among them was an act applying to contracts held by non-resident creditors, entitled, "An act to make such articles a tender, upon execution, to the inhabitants of either of the United States, as are, by their respective laws, a tender upon execution;" and among its provisions were the following:

"That articles of what nature or kind soever which now are, or hereafter shall be, by the laws of any or either the United States of North America, made a lawful tender upon execution, shall, during the existence of such laws, be a lawful tender, upon an execution to the inhabitants of such respective states, within this Commonwealth."

"And be it further enacted, that if any or either of the said United States, or either county thereof, shall, by reason of severe commotions, tumults, riots or disorders, be in such a situation that the inhabitants of this Commonwealth cannot, by law, recover debts in such state or county; the inhabitants of such state or county shall be precluded from commencing any civil actions in this state, against any subject thereof, or from recovering any judgment against either the subjects of this state, until the free exercise of law, for the recovery of debts, be restored to the subjects of this state, in such state or county."

At the same session of legislature, another measure, which also serves to disclose the disturbed condition of affairs then existing, was adopted, entitled, "An act to compel the fulfillment of contracts, according to the intent of the parties," the body of which was, in part, as follows:

"WHEREAS, many contracts have been, and probably will be, made in this state, for the payment of different kinds of produce, wares and manufactures, at the times therein limited; and whereas it has frequently happened that after the expiration of the time as limited in such contract, or payment thereof, creditors have refused to accept of anything but silver and gold in discharge of the same.

"To remedy which in future,

"*Be it enacted, etc.,* that whenever any judgment shall hereafter be rendered in this state, upon a contract made since the 1st of July, 1782, or to be made, for payment of the produce of this country, wares or manufactures, at a limited time and place therein mentioned, the same articles agreed upon in the contract only, shall be a tender upon execution to the officers having the same at the place at which, by the contract, the payment was or shall be limited to be made, if within this state.

"*And be it further enacted,* that when the contract, upon which judgment shall be so rendered, shall be payable at any place without the limits of this state, the same shall be, and hereby is declared to be, payable to an officer on execution, and shall be appraised within the towns in which the defendant lives (if an inhabitant of this state; if not, in the town in which such property shall be taken on execution."

During the excitement incident to the insurrectionary movements, before mentioned, and while the want of a sufficient amount of reliable circulating medium was most keenly felt, a desire for the establishment of banks had developed, to some



extent, among the people, and they had become so clamorous in their demands that the legislature could not remain deaf to them. On the other hand, the opposition to the establishment of banks, on the part of a majority of the people, was so intense that it was neither prudent nor possible to grant any charters. In order to allay public excitement, and to postpone action until some future time, the legislature adopted a measure to submit to a vote of the people certain propositions, the result of which was to be reported to the next session of that body. The preamble and resolution adopted so well indicate the thought and feeling of the body from which it emanated, and furnishes so perfect a picture of the then existing conditions, as to deserve a place in this article. They were as follows :

“STATE OF VERMONT, GENERAL ASSEMBLY, RUTLAND, OCTOBER 31, 1786.

“WHEREAS, this assembly, having a sincere desire to gratify the wishes of the freemen of this state, where they consistently can, and more especially in matters of importance; and also having regard to the principles of justice and the Constitution, and, considering the present extreme scarcity of money, have in this session passed an act obliging creditors to accept the produce, wares and manufactures by them contracted for, after the times limited for payment, in lieu of money, which this assembly consider to be more satisfactory to the wishes of the people, and agreeable to the standard of unerring rectitude than altering the voluntary contracts made by parties, and obliging persons to accept of a fluctuating paper currency, or other articles of less value than was originally agreed on; and it being suggested by some persons that the freemen at large would prefer the emission of a paper currency, or an extension of the present act, commonly called the Tender Act, down to the present time, or a general tender act, to the said act now passed; to the end, therefore, that the sense of the freemen may be properly and impartially known,

“Resolved, that the first constable of each incorporated town in this state be and is hereby directed personally to warn all the freemen in his town, at least six days before the first Tuesday in January next, to meet at the usual place for holding freemen’s meeting, in each town on the said first Tuesday in January next, at ten o’clock in the forenoon, then and there to express their sense of the expediency of emitting small bank or paper money, on loan or otherwise, or bringing the present Tender Act to the end of the next session of the assembly; and also upon the expediency of making any further, and what laws upon the subject.”

The legislature re-convened at Bennington, on the 15th of January, 1787, when the yeas and nays taken upon the questions submitted to the people under the provisions of the foregoing resolution, were laid before it, disclosing the following results :

1stly. Shall there be established a bank for the issue of paper money on loan to the people? Yeas, 456; nays, 2197.

2dly. Is it expedient to pass a general Tender Act? Yeas, 150; nays, 881.

3dly. Shall the present act, making articles a tender on execution, be continued? Yeas, 481; nays, 611.

4thly. Shall the act for the fulfillment of contracts in kind after the special time for the payment is elapsed, passed in October, 1786, be continued? Yeas, 866; nays, 225.

In the meantime, banks had multiplied in the surrounding states to such an extent that bank bills came to be their chief circulating medium. These bills found their way into Vermont, and the people were compelled to use them as a medium of exchange, but as they had no means of determining which of the banks issuing them were solvent, or which of the bills in circulation were genuine and which counterfeit, there was no end to the difficulties they met with in their use; and it seemed to many that Vermont should, as a protection to her own people, establish banks at convenient points, the character of which could be inquired into by the people, and whose bills would furnish a safe circulating medium. The majority of people, how-

ever, were still prejudiced against banks, and their influence was so potent that no serious efforts to secure acts of incorporation were made until 1803, when a strong movement was inaugurated for the establishment of banks at Windsor and Burlington. Pressure brought to bear upon the legislature at this time was so strong, that acts of incorporation were granted by the assembly for banks at those places, but the governor and council refused to concur in the same, and assigned reasons for their action which fully illustrate the feeling of the conservative element of society at that time touching such institutions. Among the reasons given were the following :

"Because bank-bills, being regarded as money, and money, like water, always seeking its level, the bills put into circulation within this state must displace nearly the same sum of money now in circulation among us, and, by driving it into the seaports, facilitate its exportation to foreign countries ; which, as bank-bills cannot be made a legal tender, must prove a calamity to the citizens generally, and especially to those who dwell at a distance from the proposed banks."

"Because, by introducing a more extensive credit, the tendency of banks would be to palsy the vigor of industry, and to stupify the vigilance of economy, the only two honest, general and sure sources of wealth. In this view banks would tend to divert the attention of the speculator, the inexperienced youth, the indolent and the incautious, from those honest, honorable and sure sources of mediocrity and independence, and to fix it upon imaginary and unjustifiable methods of suddenly accumulating an overgrown property ; in pursuit of which a large proportion of the adventurers would probably, at the same time, sacrifice the property with which they began their speculations, and imbibe an ungovernable disgust for wholesome industry and economy, now become more necessary than ever."

"Because banks, by facilitating enterprises, both hazardous and unjustifiable, are natural sources of all that class of vices which arise from the gambling system, and which cannot fail to act as sure and fatal tho' slow poisons, to the republic in which they exist."

"Because banks tend strongly to draw off the dependence of debtors from their own exertions as means of payment, and to place it on the facility of increasing new debts to discharge the old ; which cannot but be detrimental, both to the debtor, and, thro' his example, to Society at Large."

Thus the matter rested until two years later, 1805, when the assembly again passed an act granting charters for banks at Windsor and Burlington, both of which measures met the fate of those of 1803, the governor and council refusing to concur. In the meantime, there had been introduced into the House a bill for the establishment of a state bank, which had been referred to the Committee on Banks, and after the non-concurrence by the governor and council in the Windsor and Burlington bank bills, this committee reported, recommending that, while the bill establishing a state bank "seems to be wholly inadequate to the object proposed, it is nevertheless expedient that the general assembly should go into such consideration of the subject as shall lead to a thorough investigation of its principles, practicability and policy."

As further illustrating the temper of the times, the House at this session disagreed to a proposition "that it is expedient to incorporate a bank within this state," in which "the state should be stockholders to a certain amount : " also to another, "that it is the sense of this House that the establishment of private banks within this state, the state reserving in such bank the right of filling up any number of shares, or at any time to assume the whole stock, will be useful to the people of this state."

There was, however, an unrest among the people and a growing desire for a circulating medium, which found expression at the October session of the Legislature in 1806 in the passage of a resolution, "That a committee be appointed, consisting of a member from each county, to join such committee as the governor and council may appoint, to be denominated 'The Bank Committee,' " and in petitions that banks be established at Brattleboro, Danville, Rutland, Middlebury, Burlington, Peacham, Windsor, Westminster and other places.

## CHAPTER CXIII.

*BANKING INTERESTS OF VERMONT—Continued.*

## THE STATE BANK.

**I**N the meantime an act establishing a state bank had been introduced into the Legislature, and on the 10th of November, 1806, passed the assembly. This bank was to consist of two branches, one at Woodstock and the other at Middlebury. The directors were to be thirteen in number, and were to be elected by ballot by both branches of the Legislature, six of them in the two eastern and six in the two western districts of this state, "and the other where prudence may dictate." It was organized and began to issue bills in February, 1807. In this institution all the stock and all the profits belonged to the state. It was entirely under the control of the Legislature. By subsequent amendments to the act two additional branches were established, one at Burlington and one at Westminster. It was not long, however, before its affairs became badly confused, and in 1811 the Westminster branch was removed to Woodstock, and in 1812 the Burlington and Middlebury branches were also removed to that place. In 1812 the number of directors was reduced to four and in 1813 to three, "whose functions were to close the business of the bank, collect the debts due to it, and take care of the property." By legislation of that year, also, the treasurer of the state was directed to burn all bills not needed to meet checks on the treasury. The winding-up of its affairs after 1812 occupied about twenty-five years. The loss to the state as the result of this experiment was considerable; to individuals but little. Its chief benefit was in furnishing during its existence a staple currency to the people. Some of the legislation adopted for the protection of this bank was quite remarkable, as, for instance, an act passed in 1809, by which the cashiers of the different branches were empowered to issue an extent which had the force of an execution for the payment of any note three days past due; and another, at a later period, providing that a list of debtors in arrears was to be reported to the Legislature, and, if in arrears for eight months, their names were to be printed in some newspaper.

**CHARTERED BANKS.**—When it was known that the state bank had proved a failure, and as early as 1813, petitions for charters for private banks having been presented to the legislature, a committee was appointed "to take into consideration all petitions for bank favors," but it does not appear that any charters were granted until 1817, when the Windsor and Burlington bills were again passed by the assembly, and non-concurred in by the governor and council; but the Windsor bill was passed a second time at the same session against the objection of the council, which subsequently concurred in the bill with proposals of amendment, which the assembly agreed to. For some reason unknown to the writer no organization was had under this act of incorporation.

At the next succeeding session, that of 1818, petitions for bank charters poured in from all directions; Brattleboro, Chester, Weathersfield, Woodstock, Windsor, Craftsbury, Johnson and Brandon being some of the towns desiring them. At the November session in that year the Burlington charter was finally granted, also a new one for a bank at Windsor; and in 1821 the Brattleboro charter was granted.



Great fear was entertained by conservative men as to the result of these experiments, and in 1822 Governor Skinner, in his speech to the legislature, expressed the hope, "that the legislature will concur in the opinion that enough has already been done to satisfy every requisition emanating from an ingenuous desire for the public good;" and the general assembly and council united in adopting a resolution, "That it is inexpedient, at this session of the legislature, to grant any additional banks." None were granted at that session, nor at the session of 1823, but in 1824 an act of incorporation for the Bank of Rutland was granted, and between that time and the year 1831 charters were granted as follows: In 1825 to the Bank of Montpelier, the Bank of Caledonia and the Bank of St. Albans; in 1826 to the Bank of Vergennes; in 1827 to the Bank of Orange County and the Bank of Bennington.

The powers, duties and liabilities of each bank were regulated by its act of incorporation, the charters being uniform, or nearly so, in their provisions. One of the Bank Commissioners, in summarizing such provisions in a report made to the legislature, said:

"The amount of the capital of the bank was specified, or rather limited, but the bank might go into operation upon the payment of about one-tenth of its nominal capital, and the amount of additional and actual capital employed depended upon such assessments upon stockholders as the directors might, from time to time, think proper to make. The banks were required to redeem their bills and pay their liabilities in specie on demand; were prohibited from dealing in real estate or goods, and limited to the demand of six per cent. discount or interest on loans. They were also prohibited from contracting debts to a greater amount than their deposits, and three times the amount of capital stock paid in; and in case of excess of indebtedness, the directors, under whose administration it happened, were made liable for the same in their private capacity. The banks were semi-annually, at the time of making their dividends, to pay into the State Treasury six per cent. of their profits, which sums thus paid were . . . invested in a School Fund. All the property and funds of the corporation were made liable to the satisfaction of its debts, and, as additional security, to the public, each of the directors was to give bonds to the Treasurer of the State, with sureties to his satisfaction, conditioned 'for the faithful discharge of the duties of his office, agreeably to the regulations, requirements and restrictions, of the act of incorporation.' . . . The general assembly at each session were to appoint a committee to examine into the affairs of the bank and report to the assembly."

At the session of the General Assembly in 1831 the act commonly known as the "Safety Fund Act" was passed, the leading feature of which was the creation of a fund out of which the creditors, other than the stockholders, of any bank that should become insolvent might be paid. In order to raise such a fund each of the banks thereafter to be chartered was required to pay into the State Treasury four and one-half per cent. of its capital stock in six annual instalments of three-fourths of one per cent. each, which fund, if reduced either wholly or in part by the failure of any bank, was to be reimbursed and kept to the amount of the four and one-half per cent. upon the capital stock by assessments made by the state treasurer at a rate not exceeding three-fourths of one per cent. annually. Another provision of the act of 1831 was the creation of three bank commissioners whose duty it was "at least once in twelve months to visit every moneyed corporation upon which the provisions of the act should be binding and thoroughly to inspect the affairs of said corporation, to examine all the books, papers, notes, bonds and evidences of debt of said corporation, to compare funds and property of said corporations with the statements to be made by them as thereinafter provided, to ascertain the quantity of specie the said corporations had on hand, and generally to make such other inquiries as might be necessary to ascertain the actual condition of such corporations and their ability to

fulfill all of their engagements." Power also was given the commissioners to apply to a chancellor for an injunction against any corporation found insolvent or one that "had violated any of the provisions of the act or its act of incorporation or any other law binding upon it." The act of 1831 also provided that until fifty per cent. of its capital stock had been actually paid in, no bank subject to its provisions should make any loans or discounts.

Subsequent to the adoption of the legislation last above-mentioned, charters were granted as follows: In 1831 to the Bank of Woodstock, the Bank of Middlebury, and the Bank of Bellows Falls; in 1832 to the Bank of Manchester, the Bank of Newbury, the Bank of Orleans, and the Essex County Bank; in 1833 to the Farmers' Bank of Orwell; in 1834 to the Farmers' and Mechanics' Bank of Burlington; in 1836 to the Rutland Railroad Bank; and in 1839 to the Bank of Poultney, and the Freehold Bank of Feltchville. In 1840 the entire capital of banks in Vermont was \$1,735,000, of which there had been paid in \$1,137,500.

At the session of the legislature in 1840 an act was passed, the provisions of which were made to apply to any banking company chartered or rechartered at that session, or at any future session, and making them subject to the control at all times of the legislature to alter, amend or repeal, as the public good might require. By its provisions such banks could make no loans or discounts, or issue any bills, until at least one-half of its capital stock should have been paid into the bank, in gold and silver, and permanently deposited for the use of such bank; and requiring the bank commissioner to make careful examination of the amount so paid in, and to make a certificate thereof to the treasurer of the state. It also provided that the directors should be liable to the creditors and stockholders for all losses which might be sustained in consequence of any violation by them of the provisions of the law, or other unfaithfulness in the discharge of their official duties, and requiring them to execute to the treasurer of the state a bond, the aggregate amount of which should be equal to the amount of capital stock actually paid in; also, that no stockholder, director or other officer should at any one time be either directly or indirectly indebted to the bank in a greater amount than five per cent. of capital stock actually paid in; also, that no bank should issue bills, or otherwise contract debts, to a greater amount than the amount of the deposits, and twice the amount of the capital stock actually paid in. Among its other stringent provisions was one providing that, if any director or other officer of the bank should corruptly, or by design, put, or cause to be put, into circulation any amount of the bills of such bank beyond the amount limited and prescribed by the act, he should, on conviction, be confined at hard labor in the state prison for a period not exceeding ten years; and another, that, if any director or other officer should wilfully or corruptly loan or pay any money to any director, or other officer or stockholder, or discount any bill, note, or other obligation or security for such director, or officer or stockholder, so that he should individually become indebted to such bank to a greater amount than five per cent. of the capital stock actually paid in, the person so offending should, on conviction, be confined at hard labor in the state prison for a period not exceeding five years. By the terms of this act the bank commissioner was also authorized to inspect the affairs of any banking corporation at any time on application of any creditor or stockholder, and he was given larger powers than before in the execution of his office. Another provision, which was far-reaching in its effect, was one providing that such banking corporations should semi-annually pay into the treasury of the state one per cent. of the capital stock actually paid in, as a tax upon the income of such bank; but it was also provided that, if the directors should keep a sufficient deposit of funds in the city of

Boston, and should at that city uniformly cause their bills to be redeemed at par, such corporation should be exempt from the payment of such tax. Under this provision of the law many of the banks thereafter, in order to save the amount of said tax, kept such deposits in Boston, and came to uniformly cause their bills to be redeemed at par at that place.

Under this act it was also provided that, if the directors of any banking corporation subject to its provisions executed bonds to the treasurer of the state equal in amount to the capital stock actually paid in, the same to be approved by the Bank Commissioner according to law, all the bills issued by such bank, and refunded all deposits made in such bank when such payments were demanded, such bank should thereafter be exempt from all contributions to the safety fund provided for under the act of 1830, before mentioned.

The banks thereafter chartered by the Legislature, which became subject to the provisions of the act of 1840, were the following: In 1842, Orange County Bank, of Chelsea; in 1844, the Windsor County Bank, afterwards known as the Woodstock Bank; in 1845, Bank of Black River, of Proctorsville; in 1846, the Battenkill Bank, of Manchester, and the Green Mountain Bank of Bennington, East Village, the name of which was changed in 1847 to Stark Bank; in 1847, the Ascutney Bank, of Windsor, and the Commercial Bank, of Burlington; in 1848, the Vermont Bank, of Montpelier, and the Brandon Bank; in 1849, the Merchants' Bank, of Burlington, the Passumpsic Bank, of St. Johnsbury, the Missisquoi Bank, of Sheldon, and the Franklin County Bank, of St. Albans Bay. In 1850 there were chartered the White River Bank, of Bethel, the People's Bank, of Derby Line, the Danby Bank, of Danby, and the Union Bank, of Swanton. In 1853 the number of charters granted was larger than in any other one year, and included acts of incorporation for the Bradford Bank, the Exchange Bank, of Springfield, the Northfield Bank, Bank of Royalton, Bank of Waterbury, and West River Bank, of Jamaica. In 1854 the Lamoille County Bank, the Walloomsac Bank, of Bennington, and the Bank of Lyndon were incorporated; in 1856, the Windham County Bank, of Brattleboro, and the Bank of Poultney; in 1857, the Mutual Bank, of Castleton, and in 1861, the Rutland County Bank.

It appears by the report of the Bank Commissioner made to the legislature in 1850, that the salutary effects of the acts of 1840 had then become apparent, as he states that "all the banks in the state during the last year have uniformly redeemed their bills at par in Boston, and consequently are exempt from taxation. The directors of the following-named banks have given bonds under the Thirty-ninth Section of the Act of 1840 for the redemption of their bills, and are consequently exempt from contribution to the Safety Fund." The banks enumerated by him are seventeen in number.

The Commissioner also expressed his belief and full conviction of the soundness of all the banks in the state and their ability at all times to redeem their circulation. The standing of the twenty-seven banks at that time, taken as a whole, was as follows:

#### LIABILITIES.

Capital .....	\$2,159,410.00
Bills in circulation.....	2,856,027.00
Other debts due.....	619,098.99
Total liabilities.....	\$5,634,535.99



RESOURCES.	
Notes, etc., discounted.....	\$4,361,727.73
Deposits in city banks.....	881,657.48
Other resources.....	429,599.95
Specie.....	127,337.75
Total resources .....	\$5,800,322.91

In 1851 the legislature passed an act to authorize the business of banking. It provided for the organization of banking institutions by voluntary association, and among its provisions were the following: The treasurer of state was to cause bank notes to be prepared, countersigned, numbered and registered. Any banking association transferring to the treasurer of the state public stocks of the United States, Massachusetts, New York, Maine, Connecticut, Rhode Island, New Hampshire, Vermont, Ohio, New Jersey and Virginia, were to receive from him an equal amount of circulating notes. In lieu of such public stocks one-half of the amount to be deposited with the treasurer might consist of bonds and mortgages on real estate not to exceed in amount two-fifths of the value of the land covered by the mortgages without buildings. Upon failure of the association to redeem its notes upon demand, the treasurer was authorized to sell the stocks so deposited with him, and from the avails thereof redeem said notes. The state was holden only for a proper application of such securities to the purpose named. Such associations might be formed by ten persons, residents of the state; their capital was to be not less than \$50,000, nor more than \$200,000. Such associations had the general powers of banks of deposit, discount and circulation. It was made the duty of the bank commissioner to inspect such associations carefully and report their condition, and he was given power to institute proceedings, if necessary, for the winding up of their affairs. A committee of the legislature was also to be appointed annually to inspect the securities and paper deposited in the treasurer's office under the provisions of the act. The directors were made liable for all losses sustained in consequence of any violation of the provisions of the law or other unfaithfulness.

It is worthy of note that only four banking associations were ever formed under the provisions of that act. One at South Royalton was founded in December, 1851. By its articles of association the stock was pledged by the owner for all debts due from him to the bank, and loans were made on this security, reckoning the stock at par. The commissioner, in his report in 1852, says: "No restrictions have been imposed on directors, stockholders, or others, limiting the amount of their indebtedness, as in the case of chartered banks. The law of 1840, prohibiting loans on pledge of stock, and confining the indebtedness of directors to five per cent., and all others to ten per cent., on the capital, has not been treated as applicable to banks organized under the act of 1851."

Concerning this bank the commissioner reports in 1853: "We have to regret that this first experiment under the Free Banking Law has so signally failed to furnish the public with such accommodations as we are accustomed to expect from similar institutions. But few loans are made, excepting to stockholders, and the public in general are more annoyed than benefitted by the bank. As near as can be ascertained, more than three-fourths of the applications of bill-holders for the redemption of their bills have not been met on the day of presentation."

In 1854 this bank had not redeemed its bills in Boston. About two-thirds of its circulation was in the state of New York. Under an arrangement with a broker in that city he received the bills of the bank and circulated them at a certain charge per cent. In 1857 the bank went into liquidation and was permanently closed.

In 1854 the bank of Woodstock was organized under this law, but continued in business only two years. In 1855 the bank of Castleton was organized, but ceased to do business four years later; and in 1858 the state bank of Montpelier was organized, but continued in operation only three years.

It should be noted that while this law was upon the statute books, thirteen of the banks hereinbefore mentioned sought and obtained from the legislature acts of incorporation which brought them within all the provisions of the act of 1840. The prosperity attending the chartered banks of the state was continuous. The bank commissioner in his report of 1856 states: "It is also apparent that in every banking institution in this state there is a disposition to keep within the prescribed limits of our laws regulating banks; and when, through inadvertence, any bank had exceeded either in circulation, or in individual indebtedness, or any other infraction of the laws, they have been corrected as soon as possible after discovery, and it is believed that no state has more occasion to be satisfied with its currency than the state of Vermont."

In the panic of 1857, the chartered banks of Vermont sustained themselves in a remarkable manner. The commissioner in his report says: "Within the year the country has passed through a financial revolution almost unprecedented in its history, and Vermont was among the first to suffer from its influence. The circulation of the banks in this state, on the first of September, 1857, was but a little short of \$5,000,000, and so severe was the pressure of the panic upon them, that by the first of November their circulation was reduced full one-half. Yet, notwithstanding such an unprecedented contraction of the circulation, all the banks in the state, with the exception of the St. Albans Bank, the Missisquoi Bank, the Woodstock Bank and the Bank of Royalton, continued their redemption in Boston or New York without interruption, thus saving the public from any loss from a depreciated currency. And although it was generally understood by the banks and the public that the banks in this state suspended specie payments on the 15th of October, 1857, in common with the other banks of the country, yet, with the single exception of the Bank of Royalton, they, during the whole time, continued to pay specie for their bills to their customers, for all business purposes, and with this exception, there have been but very few instances in which any of the banks have refused to pay specie when it has been demanded for their bills, upon any pretense whatever. The fact that the banks of Vermont have been able to sustain themselves at such a time without ruining their customers, affords the best evidence of their soundness and good management."

In 1861, the condition of the forty banks in Vermont, as a whole, according to the commissioner's examination and estimate, was as follows:

## RESOURCES.

Notes and bills discounted and loans on book .....	\$6,013,729.84
Deposits in city banks. ....	651,853.87
Specie .....	173,232.31
Bills, checks, drafts and cash items.....	138,550.49
Exchange agents.....	101,395.23
Real estate.....	167,380.37
Other resources.....	200,803.83

## LIABILITIES.

Doubtful debts .....	68,228.10
Capital.....	3,916,000.00
Circulation.....	2,522,687.50
Other liabilities .....	737,991.21

The commissioner in his report to the legislature says: "I am happy in being able to congratulate the state upon the soundness of its banks, and the security of its currency. If any argument were necessary to establish either, it would be abundantly found in the fact that our banks have, within a period of about six months, reduced their circulation nearly one-half without any serious results in a single instance, and without even absorbing their deposits in the city banks. A currency that can withstand such a financial revulsion as that which we have witnessed during the last year is certainly entitled to great public confidence."

The history of the state banks thereafter is briefly stated. In 1865 ten of them had already surrendered their charters and ceased to do business; all but six of the remaining banks in the state were changing from state to national institutions, and, under the operation of the laws of Congress, state banks soon ceased to exist.

Concerning the operation of the United States Bank in Vermont, it need only be stated that a branch of it was established at Burlington in 1830, which continued in operation at that place until the charter of the bank expired.

## CHAPTER CXIV.

### *THE BANKING INTERESTS OF VERMONT—Continued.*

#### NATIONAL BANKS.



THE history of national banks in Vermont is briefly told. In 1866 there had been organized and were in operation thirty-nine national banking associations, most of which succeeded state banks which were driven out of existence by the ten per cent. tax imposed by Federal authority upon the circulation of state banks. These institutions had a capital paid in amounting to \$6,310,012.50; the amount of bonds deposited by them was \$6,411,000, and the circulation issued thereon amounted to \$5,676,800. Two years later the number of banks organized and in operation had increased to forty, and the aggregate amount of capital paid in was then \$6,560,012.50; the bonds deposited by these institutions amounted to \$6,517,000, and the amount of circulation issued was \$5,802,960.

In 1896 the number of national banks had increased to forty-nine, with a capital stock aggregating \$6,985,000, with a surplus fund aggregating \$1,576,775, and undivided profits aggregating \$905,169, and with a circulation aggregating \$3,436,034. The individual deposits held by such banks amounted in round numbers to over \$8,000,000.

It will be noticed from the foregoing statement that the proportion which the circulation bore to the capital of the banks in 1896 was much smaller than during the early history of these institutions. This is undoubtedly the result of those provisions of the banking act which restrict the amount of circulation to ninety per cent. of the face value of the bonds deposited, and which impose a tax thereon of one per cent. These provisions have been specially burdensome to country banks, whose deposits are comparatively small, and who are, therefore, obliged to depend to a considerable extent for profit upon their circulation.

SAVINGS BANKS AND SAVINGS INSTITUTIONS AND TRUST COMPANIES.—Although savings banks and savings institutions had been established in all other



New England states for a considerable time prior to the year 1846, the first of that class of institutions to be incorporated and organized in Vermont was the Windham Provident Institution, located at Brattleboro, a charter for which was granted that year.

Vermont was largely an agricultural state, with comparatively few manufactures and no large commercial towns. The demand, therefore, for savings institutions was not so great as in those states where the population was more dense, and where the number of wage-earners engaged in manufacturing industries was larger.

No other charters were granted until 1850, when the Rutland Savings Bank was incorporated. From that time forward a considerable number of savings banks were established under acts of incorporation granted by the general assembly, a list of which will hereinafter appear.

In 1869 there was granted a charter for the first of a class of institutions that have grown up in Vermont, known as Savings Banks and Trust Companies, or as Trust Companies. These institutions are not mutual in character like savings banks, but have capital stock amounting to from twenty-five thousand to one hundred thousand dollars each. They receive deposits like savings institutions, but the amount of interest paid upon them depends upon the contract between the depositor and the corporation. These institutions also carry on the same line of business usually done by banks of discount and deposit, and all net profits, from whatever source, belong to the corporation. The laws relating to the investment of the funds of these institutions are almost identical with those relating to savings banks, and in the reports of the inspector of finance, the two classes of institutions have been, in most respects, treated as one.

In all charters granted to savings banks prior to 1867 the common form of direction as to deposits received by such corporations was that they should be "used and improved to the best advantage," etc. Hardly any attempt was made by the General Assembly to throw safeguards around such institutions by legislation respecting their management, but their safety was left to depend almost wholly upon the character of the corporators and of the trustees elected by them.

It is also true that the laws relating to the inspection of savings institutions were exceedingly lax in their character. While, after 1849, it became the duty of every savings bank to make a report of its condition to the auditor of accounts annually, there were for some years no provisions specifying the scope and character of the information to be conveyed. By subsequent legislation such reports were required to contain specified items, but it was not until 1853 that the bank commissioner was required by law to visit and examine the savings banks and make his report of their condition. From the year last named until 1867, when the office of bank commissioner was abolished (state banks of discount, deposit and issue having then mostly gone out of existence), such commissioner performed such service and made annual reports to the General Assembly. Thereafter the auditor of accounts simply published the reports made to him by the savings banks, exercising no supervision over them and making no recommendations regarding their methods or conditions. In 1878 legislation was adopted requiring all savings institutions to make reports to the inspector of finance, and specifying a large number of items which should appear in such reports, and upon failure to make the same the inspector was authorized to make personal examination of the institutions. He was also required to report to the General Assembly the condition of the several institutions, his action relating to them, and such other information and suggestions as he might deem appropriate. Subsequent legislation has increased his power, so that at the present

time he has authority which enables him to make the most searching investigations, and, in cases requiring legal action for the protection of depositors, to institute the same.

In 1878 a stringent act was adopted by the legislature regulating the management of savings banks and trust companies, which has been amended from time to time as circumstances have demanded. Under its provisions they may not receive from the same depositor more than two thousand dollars, or pay interest or dividend to any one depositor for an amount of deposit over that sum, except for deposits by widows, orphans, administrators, executors, guardians, charitable or religious institutions, and as trust funds by order of court.

The investment of the deposits and surplus by savings institutions is also regulated, so that mortgage loans are confined to unencumbered real estate, and limited in amount to three-fifths of the cash value of the property mortgaged; not less than one-sixth of the amount of such mortgages shall be upon real estate in Vermont, and not more than seventy per cent. of the amount of assets shall be invested in mortgages of real estate. Mortgages upon real estate outside of Vermont are limited to fifty per cent. of the amount of the assets, and if the mortgage be upon unimproved or unproductive real estate, the amount of such investment is limited to forty per cent. of the value thereof; and no mortgage investment can be made except upon the written approval of at least three trustees of the board of investment.

No loans or investments on personal security can be made except upon at least two approved names, no less than two of whom reside in Vermont, or within fifty miles of the institution making such loan; and not more than one-third of the assets of the institution can be invested in personal securities.

Subject to special provisions, the most of which have already been mentioned, the deposits are required to be invested only as specified in Section 4101 of the Vermont Statutes, which uses the following language:

"In the public funds of the United States, or public funds for the payment of principal and interest of which the faith of the United States is pledged; in the bonds or notes of the counties, cities, towns, villages and school districts of the New England States, New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois and Iowa; in the stock of any national bank in the New England States, New York and the cities of Detroit, Chicago, St. Paul and Minneapolis; in the stock of any banking association or trust company incorporated under the authority of and located in this state; in the municipal bonds, not issued in aid of railroads, of counties, cities and towns of five thousand or more inhabitants in the states of New Jersey, Wisconsin, Minnesota and Missouri, and in counties, cities and towns of ten thousand or more inhabitants in the states of Kansas, Nebraska, North Dakota, South Dakota, Oregon and Washington, but no investment shall be made in any of the counties, cities or towns in the states above named, except in cities of fifty thousand or more inhabitants, where the municipal indebtedness of such county, city or town exceeds five per cent. of its assessed valuation, and when not issued in aid of railroads; in the school bonds and independent school district bonds of New Jersey, Wisconsin, Minnesota and Missouri; and in the school bonds and independent school district bonds of school districts of two thousand or more inhabitants in the states of Kansas, Nebraska, North Dakota, South Dakota, Oregon and Washington, where the amount of such bonds issued does not exceed five per cent. of the assessed valuation of the respective cities, towns and school districts; in the public funds of any of the states named in this section; in notes with a pledge of any of the aforesaid securities, including deposit books or deposit receipts, issued by a savings bank, savings institution or trust company, or banking association located in this state, as collateral, such notes not to exceed the par or market value of such security; but no savings bank, savings institution or trust company shall hold, by way of investment or as security for loans, more than ten per cent. of the capital stock of any one bank, nor invest more than ten per cent. of its deposits, nor more than thirty-five thousand dollars in the capital stock of any one bank; and no such in-

vestments shall be made in the capital stock of any such banks owned or loaned upon, to exceed in the aggregate one-fourth of the deposits of any savings bank, savings institution or trust company."

Among other provisions of the law made for the protection of depositors is one requiring all savings institutions to reserve from the net profits that have accumulated during each six months not less than one-eighth, nor more than one-fourth, of one per cent. of the amount of deposits as a surplus fund, until such fund amounts to five per cent. of the amount of deposits and other liabilities except surplus, which fund shall be maintained and held to meet losses in business from depreciation of securities or otherwise.

Prior to 1882 various methods were adopted to reach the assets of savings banks for the purposes of taxation, none of which proved satisfactory. At the session of the legislature of that year, however, there was adopted what has been known as the Corporation Tax Law, which, with modifications, is now in force; and under its provisions every savings bank pays a tax to the state, which is assessed at the rate of seven-tenths of one per cent. annually upon the average amount of its deposits and accumulations, deducting therefrom the average amount, if any, of its accumulations invested in United States government bonds, and the average amount of the assessed valuation of the real estate owned by such corporation, and also the amount, if any, of the individual deposits in excess of fifteen hundred dollars each listed to the depositors in the towns where such depositors reside.

Trust companies are required to pay a tax assessed at the rate of seven-tenths of one per cent. annually upon the average amount of their deposits, including money or securities received as trustees under order of court or otherwise, deducting therefrom the average amount, if any, of their capital and accumulations invested in United States bonds, also the average amount of the assessed valuation of the real estate owned by such corporations; also the amount, if any, of individual deposits in excess of fifteen hundred dollars each listed to the depositors in the towns where such depositors reside.

And by the terms of this act no tax is assessed against the depositors on account of their deposits, except upon the excess of individual deposits over fifteen hundred dollars.

The prosperity that has attended these institutions has been quite remarkable. Only a small number have met with any serious reverses, and it has been a rare thing that one has had to go into the hands of a receiver. As a rule they have been exceedingly well managed, and the percentage of loss to depositors has been small. They have commanded the confidence of the public to such an extent that, at the present time, deposits in them have come to be regarded as the most safe use to which money of people of moderate circumstances can be put; and the fact that such deposits, to the amount of \$1500 each, are free from local taxation to the depositor, has rendered such deposits the most profitable to the maker of almost any class of safe investments.

The growth and importance of these institutions and the favor with which they are regarded are indicated by the fact that, while in 1850 there were only six savings institutions in the state, with deposits amounting to only \$199,376, there were, on the 30th of June, 1896, forty such institutions, with deposits amounting to \$32,170,742. The following table taken from the report of the inspector of finance for 1896, exhibits a summary of the growth of savings banks in Vermont during the period above named:



TABLE NO. 6.

EXHIBITING A SUMMARY OF THE GROWTH OF SAVINGS BANKS IN VERMONT FROM 1850 TO 1896.

YEAR	Number of banks in operation.	Number of banks reporting.	Due Depositors.		Increase in periods of five years.
			Amount.	Gain or Loss.	Amount.
1850.	6	2	\$199,376 00	\$ . . . . .	
1851.	7	2	282,217 00	82,841 00	
1852.	7	5	407,188 00	124,971 00	
1853.	8	7	704,900 00	297,712 00	
1854.	14	13	901,789 00	196,889 00	\$702,413 00
1855.	13	13	897,407 00	*4,382 00	
1856.	13	13	897,432 00	25 00	
1857.	12	12	875,909 00	*21,523 00	
1858.	12	12	819,650 00	*56,259 00	
1859.	12	12	940,840 00	121,199 00	39,051 00
1860.	12	12	1,111,532 00	170,692 00	
1861.	10	10	1,231,940 00	120,408 00	
1862.	10	10	1,348,833 00	116,893 00	
1863.	10	10	1,678,261 00	329,428 00	
1864.	10	10	1,952,500 00	274,239 00	1,011,660 00
1865.	10	10	1,708,531 00	*243,969 00	
1866.	10	10	1,589,354 00	*119,177 00	
1867.	10	10	1,815,662 00	226,308 00	
1868.	10	10	2,046,321 00	230,659 00	
1869.	10	9	2,301,940 00	255,619 00	349,440 00
1870.	11	11	2,745,779 00	443,839 00	
1871.	12	11	3,172,525 00	426,746 00	
1872.	13	13	3,836,224 00	663,699 00	
1873.	13	13	4,478,842 00	642,618 00	
1874.	13	13	5,011,831 00	532,989 00	2,709,891 00
1875.	13	13	6,004,694 00	992,863 00	
1876.	15	15	6,670,670 00	665,976 00	
1877.	15	15	6,815,828 00	145,158 00	
1878.	16	16	6,722,689 00	*93,139 00	
1879.	16	16	6,753,104 00	30,415 00	1,741,273 00
1880.	16	16	7,340,469 00	593,365 00	
1880, including T. Co.'s	21	21	9,075,314 00	1,728,845 00	
1881.	22	22	10,659,485 00	1,584,171 00	
1882.	22	22	12,675,269 00	2,015,784 00	
1883.	25	25	14,050,647 08	1,375,377 37	
1884.	24	24	13,724,291 53	*326,355 55	6,971,186 00
1885.	26	26	13,699,231 63	*25,059 90	
1886.	26	26	14,253,963 47	554,731 84	
1887.	28	28	15,587,050 93	1,333,087 46	
1888.	29	29	16,602,067 76	1,015,016 83	
1889.	31	31	17,801,328 05	1,199,260 29	4,077,036 00
1890.	31	31	19,330,564 92	1,529,236 87	
1891.	34	34	21,620,303 49	2,289,738 57	
1892.	36	36	24,674,741 76	3,054,438 27	
1893.	39	39	27,262,929 69	2,588,187 93	
1894.	40	40	27,966,855 46	703,925 77	10,165,527 41
1895.	40	39	30,403,264 43	2,436,408 97	
1896.	40	40	32,170,742 88	1,767,478 45	

\* Decrease.

The percentage of assets in the several classes of investments held by all the banks from 1888 to 1896, inclusive, will be found in the following table taken from the report of the inspector of finance for 1896 :

	1888	1889	1890	1891	1892	1893	1894	1895	1896
1 In public funds and loans thereon and to towns, counties and cities . . . . .	21.91	21.68	22.78	25.09	26.25	28.23	29.29	29.90	29.27
2 In bank stock and loans thereon . . . . .	3.31	2.72	2.52	2.18	2.23	2.09	2.08	1.24	1.87
3 In mortgages of real estate in this state . . . . .	20.12	20.56	20.74	19.80	18.78	17.95	18.32	18.35	18.90
4 In mortgages of real estate elsewhere . . . . .	36.41	37.20	35.61	34.17	33.55	33.33	31.83	31.93	31.68
5 Real estate . . . . .	1.26	1.29	1.18	1.14	1.23	1.33	1.67	1.92	2.06
6 Loans on personal security . . . . .	9.49	9.44	9.98	10.05	9.89	10.06	8.78	8.51	8.03
7 Miscellaneous assets and on other collateral security. . . . .	3.11	3.47	3.47	3.16	3.06	2.44	3.10	3.88	3.93
8 Deposits in banks, mainly on interest . . . . .	3.63	2.93	3.05	3.41	4.03	3.04	3.85	3.36	3.25
9 Cash on hand . . . . .	.76	.71	.67	1.00	.98	1.53	1.05	1.19	1.01

The whole number of depositors June 30, 1896, was . . . . . 103,281

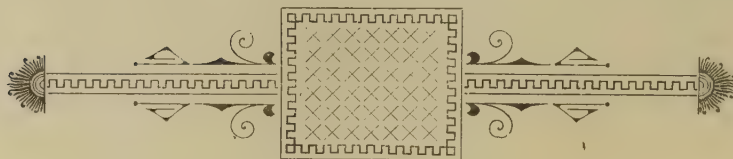
The number of depositors resident in Vermont . . . . . 91,184

The total amount of deposits June 30, 1896 . . . . . \$32,170,742

Amount of deposits by residents of Vermont . . . . . \$26,796,305

The average amount of deposits to each depositor . . . . . \$311.48

All the twenty-two savings banks paid dividends to their depositors in 1896; fourteen paid four per cent., one paid four and one-quarter, and seven paid four and one-half. The amount of interest paid by trust companies to their depositors does not appear in the published reports, but it has, undoubtedly, been substantially the same as that paid by the savings banks; and they have paid to their stockholders dividends averaging something over six and one-half per cent.



## CHAPTER CXV.

### HISTORY OF INSURANCE IN VERMONT.

BY JOSEPH A. DE BOER.

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**I**N some letters, published in London in 1797, and addressed to the Duke of Montrose, Mr. J. A. Graham speaks of Vermont lands as worth from ten shillings to ten pounds per acre. When Graham wrote his letters the population of Vermont was not quite one hundred and fifty thousand souls.

Every man was his own landlord, the architect of his own home and fortunes, and, therefore, the self-insurer of his life and property. The revenue of the state in 1791 was raised on taxable property, listed at £324,800, which, on the order of estimation, represented about one-half of the real value of property in Vermont. The disbursements of the state government for the years ending October 1, 1792, were a trifle over \$15,000. No banks had yet been established, the first appearing in 1806, a bank owned and managed by the state with branch offices at Woodstock, Middlebury, Burlington and Westminster. This first banking system was supplanted by private banks, first by the Bank of Burlington, incorporated November 9, 1818, and by 1832 there were seventeen such banks in existence. There were no facilities for easy transportation, and business in the different towns was conducted largely upon the barter principle. The conditions, relating to property valuation, to population and commercial exchanges, did not make insurance, in any of its branches, feasible in those early days. What there is of Vermont insurance history begins and lies within the present century. Its people at that time most needed protection to their homes and lives, and, ever since, the only business successfully engaged in by its home companies has been fire and life insurance. The special need of fire protection was early felt. Beckley, in his history, published in Brattleboro, in 1846, describes the misfortune of an early settler of Newfane. A log tenement, with a northern exposure, was burned down, one winter night, and the entire family of eight people perished in the flames. The supposition was that they were overcome by the smoke while asleep.

This incident inspired a sermon by a pioneer pastor on the theme: "Suppose you that they were sinners above all men, because they suffered these things?" The rumored report of this misfortune led the people to consider the subject of protection. Loss of homes by fire was a frequent occurrence. Indemnity depended upon the good will and charity of the neighbors. They did, as a rule, contribute a little money, but more often, material or labor, to help their unfortunate neighbor in rebuilding his home. By this first method of spontaneous local co-operation the principle of mutual insurance became established and, subsequently, the companies, which most nearly applied that principle, became most popular and were most suc-



cessful in the state. Before the present century there was no law of insurance in Vermont. Arson, of course, was recognized as a crime and was included in the list of nine offenses, punishable with death. This section of the law, passed in February, 1779, read as follows:—

“That if any person, of the age of sixteen years or upwards, shall wilfully and of purpose, burn any house, barn or out-house to the prejudice or hazard of any person's life, he shall be put to death; or, if no prejudice or hazard to the life of any person happens thereby, shall suffer such other severe punishment as the Superior Court shall determine and also satisfy all damages to the wronged or aggrieved party.”

Thus was protection against fire limited to this section of the law and, beyond that, it was exclusively founded upon the unorganized neighborliness which prevailed among a people who were carving a state out of the woods and quarries in these sparsely settled lands. On rare occasions the person, who had lost by fire, undertook to make good his loss, by interesting his neighbors in a lottery. The use of the method required legislative consent. Two such acts are recorded, that of Oct. 31, 1792, granting the right to raise £200 by lottery to Anthony Hoswell, and that, of same date, permitting Jabez Rogers to raise £1,200, to regain loss sustained by fire. Previous to the incorporation of the Vermont Mutual Fire Insurance Company in 1827, the towns-people in various parts of the state began to organize local companies and societies for the purpose of fighting fires. They applied to the Legislature for a charter when efficient organization was their object. The dates of the early charters, so granted, are as follows:—

Middlebury Fire Society, 1808; Burlington Fire Company, 1808; Montpelier Fire Company, 1809; Rutland Fire Society, 1811; Windsor Fire Society, 1811; Brattleboro Fire Company, 1813; Brandon Fire Company, 1818; St. Albans Fire Company, 1819; The Woodstock Fire Society, 1820; Norwich Fire Company, 1824; Bennington East Village Fire Company, 1825.

Other charters were granted to local organizations as follows:

Danville Fire Society, 1830; Brattleboro Fire Society, 1831; Wallingford Village Fire Company, 1831; Springfield Village Fire Company, 1832; North Bennington Fire Company, 1834; Burlington Volunteer Engine Company, 1839; Burlington Hook and Ladder Company, 1846; Vergennes Hook and Ladder Company, 1847; Bakersfield Hook and Ladder Company, 1849; Barnes' Hose Company, 1873; Rochester Fire Department, 1890. The Vermont State Fireman's Association was chartered and organized in 1890, and has holden yearly meetings since in the interest of an improved service.

THE VERMONT MUTUAL FIRE INSURANCE COMPANY, MONTPELIER, VT.—The Vermont Mutual Fire Insurance Company received its charter from the state legislature of 1827. The company's "father and patron," so-called, was Daniel Baldwin. He was born in Norwich, Vt., July 21, 1793, and died at Montpelier, August 3, 1881. He studied the carpenter's trade, but afterwards engaged in mercantile pursuits. In 1827 he projected the Vermont Mutual, and bought the first policy which it issued. Twenty-two years later he helped to organize the National Life Insurance Company and took the first policy which it wrote. He was a director of the Bank of Montpelier and of the Montpelier National Bank, which took its place. In 1830 he was among the first to undertake work in behalf of building the Vermont Central Railroad. He was, for a time, a director of the road and gave it his attention until it was built. He helped to raise subscriptions for a survey of the railroad afterwards built from Montpelier to Wells River. He was an organizer and a manager of the Montpelier Gas Light Company. In 1828, and again in 1835, and for eleven consecutive

years thereafter, he was the treasurer of his town. He was interested in public water supplies, and left Montpelier a conditional bequest of \$2,000 for that purpose.

In 1837 when a fire department was first established in Montpelier, Mr. Baldwin accepted and long filled the unpaid position of chief engineer. He was a Mason of high standing, in politics a war Democrat, in religion a liberal Christian. In civic life he served the county of Washington as a side judge during 1846-7. His chief service to his state was set forth in a memorial address on the occasion of his death, in which there was attributed to his foresight the invention of a system of insurance against fire, commendable for its cheapness and complete performance. When the "mutual idea" of fire insurance came to Baldwin few business men could be found to take an interest in the subject. The support he needed came from Thomas Reed, Jr., James H. Langdon, Joshua Y. Vail and Chester Hubbard, all of Montpelier. With some difficulty a charter was obtained November 10, 1827. The company organized January 21, 1828, and began business March 30, 1828. Few existing state mutuals date back further than this year, and probably none, in proportion to the territory and property covered, can now contribute to the theory and practice of the business so large and so valuable a fund of classified experience. It was somewhat the custom, in early charters, for men to loan the use of their names. In this instance the incorporators were not nominal, but actual. They did not soon disappear, but remained, some to serve the company as officers, and all of them to serve as directors. In view of the important history of the Vermont Mutual, and the yet more important work in which it is at present engaged, great interest attaches to the following list:

Thomas Reed, Jr., James H. Langdon, Daniel Baldwin, Chester Hubbard, George Worthington, Ezekiel P. Walton, Richard M. Ransom, Israel P. Dana, Joseph Howes, Timothy Merrill, Dennison Smith, Chapin Keith, Don Carpenter, Joshua Y. Vail, Araunah Waterman, Israel Dewey, Joel Warren, Jonas Galusha, Isaac Tichenor, Dudley Chase, Elijah Paine, Lebbeus Edgerton, Martin Chittenden, Jeduthan Loomis, Parley Davis, Sylvanus Baldwin, Daniel Azro A. Buck, Josiah Dana, James Bell, George B. Shaw, Benjamin F. Bailey, John Francis, Elijah Smith, Jr., Darius Pride, Samuel C. Crafts and Truman Chittenden.

To-day it seems strange that an act of legislation which afterwards proved so serviceable to Vermont should, in 1827, have been looked upon with uncertainty, and that the conception of mutual fire insurance was so universally in error as to have even admitted to the charter a provision in part disposing of any profits that might thereafter arise. The act of incorporation will be described in a general way, but this section of the act is inserted in full:

SECTION 18. *It is hereby further enacted*, That the said Company shall yearly and every year pay into the Treasury of this State, for the use and benefit of the State, six per cent. of the profits of said Company.

The plan for a mutual fire company, proposed by this act, had so carefully been studied out by the light of past experience, and in view of the conditions that probably would maintain through the territory over which it was proposed to operate, that it has not since been found necessary to depart, in essential particulars, from the original plan. Under the charter the Vermont Mutual was formed, "for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture, and merchandise, against loss or damage by fire, whether the same shall happen by accident, lightning, or by any other means, excepting that of design in the insured, or by the invasion of an enemy, or insurrection of the citizens of this or any of the United States."

Every insured person became a member during the term of his policy. A majority of the members, at their annual meeting, elected directors, not more than nine, nor less than five, of whom a majority could transact business. To these directors was given full power of management as regards property and affairs, the selection of officers, the treatment of finances, the issuing and adjustment of insurances. So clearly recognized was the idea of mutuality that a special provision reserved to a minority the right to have its objections to any action placed upon the records on request. The condition precedent of issuing insurance was the deposit, by the applicant, of his promissory note for a predetermined sum, not more than five per cent. of which was immediately payable to meet incidental expenses, and the balance was to be paid at any time, on assessment, when either losses or expenses, or both, should require its use. Any unexpended balance at the expiration of the insurance term was refunded to its signer. The property insured, or the land on which it stood, secured the company, or, in the absence of such security, good personal endorsement was obtained.

In the event of a loss so great as to absorb the unexpended note assets, the instrument provided for an additional assessment of not more than fifty cents for every one hundred dollars of insurance. Power was also granted to insure property for a term of ten years. The history of practice under this act of incorporation may be epitomized as follows: The maximum insurance term was reduced from ten to six years. Afterwards the policy-term was reduced to five years, in order to secure uniformity with the practice of other companies. Instead of calling for the maximum limit of five per cent. of the note for first expenses, the company made use of only three per cent. Not only has it been the rare exception that any note was ever fully absorbed in practice, but there has never been the remotest suggestion that the auxiliary assessment would be required. Equitable provisions were made for the alienation of property, the cancellation of policies, the return of notes and double insurance. All acts of amendment seem to have had for their purpose either a more perfect mutuality or increase of strength. That of November 15, 1856, removed the disability of any member from acting in a suit at law in which the company was interested, as judge, witness or officer, and increased the number of directors to not more than twenty, nor less than nine. That of November 18, 1839, provided for a more convenient method of paying losses, but retained the practice of adjusting all approved claims within three months from date of loss. That of November 27, 1872, provided for insurance against fire loss through lightning, afterwards extended to loss or damage by lightning, however occurring.

An important act of amendment was that of November 1, 1888, which empowered the company to issue insurance upon the stock plan. The terms of this act enabled the directors, in their discretion, to place ten per cent. [afterwards made twenty-five per cent., November 4, 1892] upon a single premium basis, free from all further assessment. This power was sought by the Vermont Mutual because of its aid in competition with foreign companies, and, also, because many citizens of the state desired that form of policy from a home institution. Apart from this act of 1888, these amendments did not modify the fundamental theory of the plan of 1828, which thus becomes an established fact of fire-insurance history.

The first meeting of the incorporators was warned by Thomas Reed, Jr., James H. Langdon, Daniel Baldwin and Chester Hubbard, and was held January 21, 1828, at the tavern of Mahlon Cottrill, in Montpelier. Colonel Langdon was elected chairman, and Daniel P. Thompson, Vermont's distinguished novelist, secretary. The first board of directors, then elected, consisted of Langdon, Keith, Vail, Egerton,



Pride, Ransom, Buck, Dana and Baldwin, whose full names appear in the act in corporation. By-laws were adopted February 20, 1828, prepared by Araunah Waterman, Ezekiel P. Walton, Timothy Merrill, Sylvanus Baldwin and Jeduthan Loomis. One section provided for a vote by absent members through proxies; but this section, as fraught with possible danger to conservative management, was abolished October 17, 1832.

At the first annual meeting of the company, held October 15, 1828, the directors reported that business was begun March 31st, preceding, that one hundred and eighty-six applications had been received, insuring \$204,908, for which notes of \$9,606.88  $\frac{1}{2}$  had been taken. It was claimed that the company was gaining in public estimation and confidence, but that success and prosperity were depending upon increased exertions of its officers and friends. In a certain sense this was true. A few years later, when the sum at risk had passed the million-dollar mark, the directors made a different report, to wit: "The good success of the company thus far fully attests the correctness of the principle upon which the institution is founded, and establishes the fact of its being a safe, simple and sure mode of helping one another." There was more serious truth in that. The people wanted a safe, simple and sure mode of insurance against fire. The lack of fire departments, of water systems, and of municipal or town regulations, made this a question of vital importance to them. The Vermont Mutual had been able to demonstrate the essential correctness of its system; it now began to demonstrate the possibilities of its equity in practice. The mutuality of the system, for an individual, depended upon his deposit note, the basis of all his assessments. It was with reference to these notes that the early officers and directors had an opportunity to display judgment and wisdom. They declared that the notes for insurance on any property should be commensurate with the dangers to which the property was exposed. In determining that hazard, the directors considered the materials of which it was composed, the manner of its construction, the purposes for which it was used, its situation as to other property, and the question of moral hazard, as affecting the risk. One of the earliest classifications was the following:

- 1st. Houses of brick, slate or metal roof, unconnected and unexposed, 4 per cent.
- 2nd. Like buildings, connected by outhouses to barns or sheds, 4  $\frac{1}{2}$  per cent.
- 3rd. Two-story, brick houses, wood roof, houses of wood, unexposed; barns, 4  $\frac{1}{2}$  per cent.
- 4th. Stores, shoemaker's and saddler's shops, unconnected and unexposed, 5 to 6 per cent.
- 5th. Class same, exposed and connected to other buildings; drug stores, 6 to 10 per cent.
- 6th. Taverns, alone and unexposed, except by wood-shed, 5 to 8 per cent.
- 7th. Taverns, connected and exposed, 6 to 10 per cent.

Furniture, goods, produce and stock were insured at the same rates as the buildings in which they were contained. There was also a class known as "hazardous," paint-shops, hat-shops, printing-houses, mills, carding-works, bakeries, breweries, carpenter-shops, blacksmith-shops, etc. The rule was to insure for not more than two-thirds of the estimated property-value, and to condition the issue of policies according to the sums applied for, upon the approval of one, two, three, or a majority of the directors. Until 1832 the maximum limit was \$5,000, then until 1835 it was \$10,000, and thereafter \$15,000; but the application of the principle of maximum limit to certain lines lay always within the discretion of the directors, whose nice discrimination in its use is demonstrated by the now historic average rate of assessment, over a period of sixty-nine years of not quite three and one-half per cent.

The business of the Vermont Mutual was transacted for the first four years at

the office of Joshua Y. Vail, a small frame building on State street, such as lawyers used to erect and use in small country towns. On January 4, 1832, Sylvester Edson, Joseph Reed and Daniel Baldwin were given authority to buy land and superintend the erection thereupon of a suitable fire-proof building. The sum of \$1,000 was appropriated for this purpose. A small brick building was erected during that year, and very nearly upon the site of the present home-office of the company.

This first office of the Vermont Mutual cost \$1,177.33. Four years later, ten feet of land were bought for \$100, and authority was voted to Thomas Reed, Jr., to superintend the construction of an addition. This enlarged office was used until 1869, when it was destroyed to make room for the present office, first used in 1870, and built and furnished at an outlay of not quite \$48,000. Prior to the erection of this office there was not room enough to accommodate the annual meetings which were accordingly held at various places, the tavern of Mahlon Cottrill, the Court House, the Second State House, and, latterly, in the General Committee room of the present State House. Space limitations preclude mention of all the company's directors, all of whom in their times represented the best known farmers, professional and business men in the state. Mr. Melville E. Smilie, clerk of the Supreme Court, and a director for Washington county of the company, recently made this statement: "Up to within a late period the Representative from each town in the state, when he came to attend the Legislature, made it his first duty to carry into the treasury of the company the assessments of the several members of the company from his town, by them sent to pay their 'insurance tax,' a service gratuitously rendered for his constituents. The annual meeting was held early in the session of the Legislature, and the Representative was also the representative to the Vermont Mutual, and as such attended its annual meeting." This actual equality of representation in its annual meetings gave the company a standing through the state and was responsible, in a measure, for its steady growth and prosperity. It made the company mutual and inspired confidence in its aims and plans.

Col. J. H. Langdon and Daniel Baldwin were, respectively, elected first presidents but declined service. The roster of officers, carefully compiled from the records of the company, is as follows:

Presidents, Chapin Keith, 1828, March 31st to October 10th; Israel P. Dana, 1828 to 1838; John Spaulding, 1838-1841; Daniel Baldwin, 1841-1874; James T. Thurston, 1874-1877; W. H. H. Bingham, 1877-1887; Fred E. Smith, 1887-1891; Horatio N. Taplin, 1891-1895; Fred E. Smith.

The Vice-Presidents prior to 1857 were Joseph Reed, George Worthington and Orren Smith. Since 1857 they have been the following: Timothy P. Redfield, 1857-1874; James T. Thurston, 1874; W. H. H. Bingham, 1874-1877; Fred E. Smith, 1877-1887; Charles T. Sabin, 1887-1888; H. N. Taplin, 1889-1891; George Briggs, 1891; Fred E. Smith, 1891-1895.

The Secretaries have been the following: Joshua Y. Vail, 1828-1850; Charles Dewey, 1850-1871; James T. Sabin.

The Treasurers have been as follows: George Worthington, 1828-1832; Oramel H. Smith, 1832-1834; C. Jay Keith, 1834-1837; Homer W. Heaton, 1837-1838; Harry Vail, 1838-1842; James T. Thurston, 1842-1850; J. Edward Wright, 1850-1851; James T. Thurston, 1851-1874; Oscar J. Vail, 1874-1878; Horatio N. Taplin, Jr., 1878-1891; William T. Dewey.

Mr. Bingham was a director for forty-three years, and president for ten. His influence upon the affairs of the company, upon insurance legislation and upon the general business of insurance in the state, was constant and important. He was, by profession, a lawyer, residing in Stowe. He had a large collection practice in the county and extensive interests in lumber and lumber mills. Among his works was the erection of the "Mount Mansfield Hotel," a performance that required much

perseverance, energy and tact. He did most of the fire business in his town and was a recurring visitor at the home office of the company, whose interests he guarded with great zeal. He was a director of the National Life Insurance Company for a very long time, serving upon its Finance committee from January, 1875, until his death.

Colonel Frederick E. Smith, who, in 1896, is the president of the company, was born in Northfield, June 11, 1830. In 1848 he began as a clerk in a drug store in Montpelier, and, five years later, engaged in business for himself. In November of 1861, Colonel Smith was appointed quartermaster of the Eighth Vermont volunteers, and served until December of 1863 on the staff of General Geoffrey Weitzel. He has since resided in Montpelier, excepting two years spent in New York. He is identified as officer, trustee and director with the Watchman Publishing Company, the Colby Wringer Company, the First National Bank of Montpelier, the National Life Insurance Company, the Washington County Grammar School, Norwich University, and the Diocese of Vermont. He was State Senator from Washington County in 1886 and 1888, and a delegate-at-large to the Republican National Convention of 1892. Governor U. A. Woodbury appointed him Inspector of Finance for Vermont in 1894. President Smith has exerted an active and important influence over the affairs and progress of the Vermont Mutual for many years. He interrupted his connections in 1891, but re-accepted the presidency of the company in 1895.

In the company's report to members, made October 14, 1896, occurs this sentence: "It is almost three-score years and ten since your company began the insuring of all classes of property against loss by fire. This business has increased until the membership of the company now includes nearly two-thirds of the voting population of the state." It is also declared that the practice of insuring property at cost has influenced insurance premiums in Vermont. Condensing the statistical history of this institution as much as possible, the following figures will, in some measure, indicate the company's progress and work :

YEAR ENDING.	POLICIES IN FORCE.	YEAR ENDING.	POLICIES IN FORCE.
1831.....	1,869	1871.....	27,488
1841.....	12,012	1881.....	29,413
1851.....	11,790	1891.....	32,521
1861.....	22,237	1896.....	34,571

Prior to August 1, 1842, a period of a little over fourteen years, the company had adjusted and paid a total of 941 losses. From date of organization to August 1, 1893, a period of sixty-five years, it had adjusted and paid 14,182 losses, an average of 215 per annum. Up to August 1, 1896, the total issue equalled 333,070 policies, insuring \$380,174,187; the cancellations equalled 298,499 policies, insuring \$335,782,443; the amount in force on said date was 34,571 policies, insuring \$44,391,744. The note history of the company represents a sum taken of \$32,688,767.43, a sum expired and cancelled of \$29,448,352.75, leaving the amount in force as a fund for the payment of losses of \$3,240,414.68. The company's entire cash receipts during its history amount to \$6,095,521.93, of which the sum of \$5,458,972.15 have been disbursed in settlement of losses, commissions and abatements, and \$590,264.70 in expenses other than above, including office building. The census of 1890 contains the most complete insurance returns ever obtained. During the last decade the people of the United States insured property against loss or damage through all causes in the sum of \$120,000,000,000, and paid for same the stupendous sum of \$1,156,000,000. There was returned in payment of losses \$647,726,000, or 56 per cent. of the sum paid in.



The Vermont Mutual's figures, by the same returns, were: Risks written and renewed, \$87,607,365; premiums and assessments received in cash, \$1,298,997; losses paid in cash, \$1,110,660. Thus there was 85½ per cent. returned for every dollar received. The nine companies reported as having done business in Vermont upon the same general plan, and including the Vermont Mutual's returns, wrote state risks in the sum of \$102,912,819; collected premiums of \$1,475,760; paid losses of \$1,219,207, returning 82½ per cent. of every dollar collected. These comparative census returns, taken with all proper allowance, are not only suggestive of the extent of Vermont's fire business, but further indicate that the "Old Mutual" did about one-fourth of all the property insurance in Vermont. The correctness of the decennial returns has been verified by Wm. T. Dewey, treasurer, and James T. Sabin, secretary.

There have been numerous charters granted by the state to incorporators whose design was to organize mutual fire companies upon the assessment plan. Some of these were intended to be local concerns, as their names imply, and many of them never entered upon business at all. On the other hand, there were small associations which, for a time, did a creditable and useful business.

THE WINDSOR COUNTY MUTUAL FIRE INSURANCE CO., located at Woodstock, was chartered October 30, 1838, and issued its first policy April 6, 1840. Its president for many years was Philo Hatch, and its secretary, Robert S. Southgate. At the close of the thirty-sixth year it reported 4,590 policies in force, insuring \$4,991,794, secured by notes of \$516,628. After 1876 there was some interruption in the published reports of the insurance commissioners, and no further record of this company has been found. The work done by the aforesaid company is perhaps better indicated by the fact that, during the thirty-six years, its average rate of assessment was 2.8 per cent.; its total receipts equalled \$227,992. The disbursements over this period were: \$185,716 for losses, and \$42,077 for managing expenses.

THE CONNECTICUT RIVER MUTUAL, Bellows Falls, Vt., began business March 22, 1859. By the end of 1869 it had 3,246 policies in force, insuring \$3,222,524, secured by notes of \$187,655. This company practiced the collection of 5 per cent. on notes in advance, and published the statement that its assessments during the first ten years equalled only one per cent. yearly upon the premium notes. Its last published report by the insurance department, that of 1874, gives Asa Wentworth, president, and F. Whitman, secretary. Up to that year it had issued 7,746 policies. In 1873 its business amounted to 648 policies, insuring \$718,838, and its assessments were published as averaging one per cent.

THE RUTLAND INSURANCE CO. was chartered in 1864, but no use was made of the charter until 1893. An organization was then effected, which in February of that year reported a capital of \$100,000 subscribed and paid in. The assets were of doubtful quality, being composed of lands, lots and notes. The company, however, did some business, mainly in the west, until 1895, when a crisis was reached, and its affairs were placed in insolvency.

THE STATE FIRE INSURANCE COMPANY OF VERMONT was incorporated November 11, 1868. Only one statement made by this company has been found, that of 1873. The paid-up capital at this time was \$29,000; assets, \$35,838; liabilities, \$3,777; income, \$2,178; expenditures, \$3,186; risks outstanding, \$96,665. Like others of these little associations it probably wound up its affairs quietly. Reports simply ceased because there was nothing to report. Another of these small concerns was the HUSBANDMAN'S FIRE INSURANCE COMPANY OF MONTPELIER, which began business on February 1, 1880, but has since ceased to report. Up to July 31, 1888,

it had issued insurance policies in the sum of \$1,305,336 and collected \$12,022. Yet others were the Ascutney Fire Insurance Company, 1825; the Ascutney Mill Fire Insurance Company, 1838; the Bennington County Mutual Fire Insurance Company, 1838; the Burlington Insurance Company, 1859; the Burlington Life, Fire and Marine Insurance Company, 1849; the Caledonia Mutual Fire Insurance Company, 1858; the Franklin County Mutual Fire Insurance Company, 1846; the Lamoille Live Stock Insurance Company, 1867; the Lamoille Mutual Fire and Live Stock Insurance Company, 1870; the Merchants' and Mechanics' Fire Insurance Company, 1872; the Northfield Factory Fire Company, 1838; the Orange County Mutual Fire Insurance Company, 1838; the People's Mutual Fire Insurance Company, 1874; the People's Mutual Life Insurance Company, 1878; the Vermont Insurance Company, 1858; the Vermont Mutual Live Stock Insurance, 1850; the Windham County Mutual Fire Insurance Company, 1838.

THE NORTH EASTERN MUTUAL LIFE ASSOCIATION, of Brattleboro, was organized on the co-operative plan, instead of as a joint-stock company, with a capital stock of \$100,000. It began business in 1870, Frederick Holbrook, president. By the close of 1873 it reported assets of \$133,126, of which \$19,044 was surplus. Its receipts that year equalled \$28,419; disbursements, \$26,005. Up to September of 1870 it had paid 83 death claims, amounting to \$41,674, of which 53 claims, \$31,338, were paid in Vermont. The insurance report for 1875 exhibited progress in all items, but when publication was resumed ten years later this company made no returns. In D. P. Thompson's "History of Montpelier" he speaks of "The Green Mountain Mutual Health Association," incorporated in 1851 and organized the following winter. He says, "It did not prove very successful on account of the want of patronage among the healthy and honestly industrious, and the multiplicity of petty frauds practiced upon it by the unhealthy and lazy." The whole operation was abandoned after a year.

The only fire insurance company organized in Vermont which could in any sense be said to have rivaled the Vermont Mutual was the FARMERS' MUTUAL FIRE INSURANCE COMPANY, of Montpelier. It was organized in November of 1849; President, Asel Spalding. His successors were: William Howes, of Montpelier; Geo. W. Bailey, of Middlesex; William L. Sowles, of Swanton, and P. P. Pitkin, of Montpelier. Its secretary from date of organization and for many years was Joseph Poland, of Montpelier. Its treasurers were Samuel Wells and George W. Leslie, to the latter of whom the writer is indebted for advice about this company. The purpose of the company was to insure farm property exclusively. It collected in advance a single premium, estimated as sufficient to meet the losses and expenses for a term of five years, the life of the policy according to contract. As further security for the payment of losses a premium note was required, assessable in case of necessity. These notes averaged about four per cent. of the amount insured, and the advance payments were fifteen per cent. of the premium notes. The basis of computation for the collection of premiums was originally intended to produce \$1,000 for each million dollars insured. The work accomplished by this organization will appear from the following table:

AUGUST 1ST.	POLICIES IN FORCE.	INSURANCE IN FORCE.	NOTES IN FORCE.	RECEIPTS TO DATE.	LOSSES AND EX- PENSES TO DATE.
1855.....	10,077	\$7,402,576	\$230,292	\$42,641	\$34,674
1860.....	14,682	13,121,187	572,934	128,174	108,158
1865.....	16,983	16,779,012	733,695	257,901	226,524
1870.....	18,787	23,312,501	1,015,987	430,976	360,472
1875.....	20,546	28,342,013	1,215,862	655,355	587,893

During the first twenty-six years of its history the company issued a total of 92,481 policies, insuring \$98,435,177 of property, took notes of \$4,053,365, collected \$655,355, disbursed \$587,893, and held a surplus at the close of the period of \$75,456. The average yearly loss per million of insurances was \$982.90 for fifteen years, \$926.17 for twenty years, and \$980.94 for twenty-five years from date of organization. In October of 1878 the plan was changed from advanced payments to annual assessments. In its annual report of August 1, 1880, the cause for this action is thus explained: "During the first twenty years of the company's business its losses were about \$900 annually on each million dollars insured, while during the last six years they have averaged nearly double that sum." It appears that when this experience was had the company was counseled that no assessment could be laid unless the surplus was first absorbed. When its accumulations had been absorbed it had the alternative of increasing pre-payments or of using the annual assessment plan. Its experience justified the adoption of the latter course. Three years later, at the close of the thirty-third business year, the company had issued a total of 110,976 policies, insuring a total of \$122,588,190 of property. Its receipts from November, 1849, to August 1, 1883, equalled \$947,351, of which \$628,207 had been paid for losses. The average yearly loss per million over this period was \$1,173.21. Meanwhile, the change in plans had progressed to a point, when all pre-paid insurances had disappeared and all business stood upon the yearly assessment plan. The company, however, was unfortunate in having an accidental and wholly to be unforeseen experience. The yearly loss had been \$17,072 in 1881 and \$14,347 in 1882, but in 1883 it rose to \$31,145, and necessitated an assessment  $8\frac{1}{2}$  per cent. These losses of 1883 were eighty-one in number, but of these eight alone amounted to \$19,454, and the total equalled an average of \$3,069 per million, "or nearly three times the average for thirty-two years." In speaking of this loss in their annual report, the company's officers said: "The owners of these properties are among the most respected citizens of the state, and were all heavy losers beyond the insurance. Not a shadow of suspicion attached to one of them. No human intelligence could have foreseen or provided against them. Taken together, they constitute a phenomenon in the history of the company which has never happened before." The directors of the company, men of probity and judgment, did their duty, and laid the assessment. They realized "the embarrassment of the situation," because they felt, as they said, that it was not merely "the success of this company that is alone involved, but the principle of mutual insurance."

The misfortune, sad to say, was not overcome, and the Farmers' Mutual passed out of history. It had done good work for the property-holders of the state. It had handled and accounted for a million of dollars, very nearly. It had equitably adjusted and paid thirty-seven hundred losses. Its directors and officers did this work faithfully and well. But it ultimately experienced the ill effects of an incorrect plan. The pre-payment on a five years' term policy proved inefficient to meet the increased losses, under conditions of shrinking property values and over-insurance. When, finally, it undertook to change the basis of its operations, it might yet have succeeded, had not the accident of chance produced an unusually large assessment at a critical time.

THE UNION MUTUAL FIRE INSURANCE CO., Montpelier, Vt., was incorporated November 24, 1874. The first meeting of the incorporators was held January 13, 1875, and adjourned to April 27, 1875, on which date the company's by-laws were established, and E. B. Campbell, director for Windham county, elected president. At the second meeting held July 28, 1875, the secretary reported that applications to



the amount of \$50,000 had been received, making it possible for the company to commence business according to charter, on that day. Business was at once solicited under a rule of small policies, on approved lines, with especial attention to moral hazard. The general design of the Union Mutual was wholly similar to that of the Vermont Mutual, incorporated nearly a half century before. The costs and expenses were annually assessed upon notes given by the insured. The amount and quality of the risk determined the amount of the note, thus making the operations of the company purely mutual, and the cost of fire insurance to the policy-holder commensurate with the actual losses annually paid.

The officers named in the first report made to the state department for the year ending August 1, 1876, were: President, E. B. Campbell; vice-president, M. D. Gilman, of Montpelier; treasurer and secretary, W. F. Braman, of Montpelier. Notwithstanding the conservative nature of its first undertakings, the company was successful from the start. In the first year it issued 547 policies, insuring \$640,447, a good beginning for a local mutual in Vermont. Its first year's losses equalled \$1,128.91, of which the principal one was that of \$990 on the Pioneer Manufacturing Company in Berlin. At this time there was great depreciation in the value of all kinds of property in the state, of which fact the company's founders were conscious and of which note was taken in their underwriting. The company never made a special effort to extend itself, but moved forward conservatively, yet persistently. Its business increased slowly up to 1884, and, thereafter, more rapidly. In 1876 it had a director from the following counties: Windham, E. B. Campbell; Washington, M. D. Gilman, Samuel Wells, W. F. Braman, E. W. Bailey, J. W. Brock and A. C. Brown; Addison, J. M. Slade; Orange, S. K. Berry; Chittenden, James A. Shedd. At the annual meeting of August 7, 1877, Mr. Gilman resigned as vice-president, and was succeeded by James W. Brock, and he, in turn, by W. G. Ferrin, October 17, 1877. The following year Mr. Ferrin was elected president, and Hugh Henry, of Chester, Vt., vice-president. In 1879 Mr. Brock was a second time elected vice-president. In the same year the increase in business warranted a division of the office of secretary and treasurer, A. C. Brown, of Montpelier, being chosen to the former. He resigned May 12, 1884, and was followed by Charles H. Ferrin. The two offices were again united in the latter part of 1884 and held, for a time, by Mr. Braman. The latter, in 1885, together with Mr. Brock, resigned their offices, and a change was made which was destined to be more permanent. Charles H. Heath, a prominent local lawyer and a man of wide acquaintance and good judgment, was elected vice-president; John H. Senter, the present United States District Attorney for Vermont, secretary, and Harlan W. Kemp, treasurer. Mr. Heath was succeeded in 1888 by Marcus M. Cutler, the president of the company in and after 1889. Mr. Cutler died in 1896. He was a man well-qualified by nature and experience to do good service in the trust committed to his charge and devoted to the company. James W. Brock, of Montpelier, who succeeded Mr. Cutler as president, is widely known in the state as a capitalist, banker and public man. He is vice-president of the Montpelier Savings Bank and Trust Company and a director of the Montpelier National Bank. His business relationships in the town and county are very numerous and important. His connection with the Union Mutual, of which he was a founder, has been intimate from the start.

The growth of the company's business is best shown by the yearly amount of premium notes outstanding, which represent the assets of the company for the payment of claims.

TABLE OF OUTSTANDING PREMIUMS NOTES—UNION MUTUAL FIRE INSURANCE COMPANY.

YEAR.	AMOUNT OF NOTES.	YEAR.	AMOUNT OF NOTES.
1875.....	\$11,878	1886.....	\$299,375
1876.....	87,880	1887.....	328,206
1877.....	147,814	1888.....	361,511
1878.....	176,330	1889.....	368,075
1879.....	148,684	1890.....	401,417
1880.....	143,367	1891.....	402,516
1881.....	163,106	1892.....	415,737
1882.....	190,848	1893.....	494,301
1883.....	206,414	1894.....	587,994
1884.....	250,199	1895.....	699,435
1885.....	276,247		

By the close of the twenty-year period, ending August 1, 1895, the Union Mutual had written 23,196 policies, insuring \$26,594,639. Of this number and amount, there had expired and been cancelled 15,298 policies, insuring \$17,320,888, leaving in force 7,898 policies, insuring \$9,273,761. Notes in the sum of \$1,877,795 had been taken, and the amount in force August 1, 1895, equalled \$699,435. The company during the last decade has paid losses as follows: 1887, \$11,286.81; 1888, \$14,142.27; 1889, \$11,303.86; 1890, \$16,347.45; 1891, \$17,861.97; 1892, \$14,225.83; 1893, \$18,229.48; 1894, \$19,048.12; 1895, \$34,241.95; 1896,

The increase in 1895 was due to the increased business of the company, and, in part, to the unusual fire loss in Vermont during that year. The actual assessment was "very little more than the average." About this time stock companies found it necessary to increase the rates on all property in Vermont. It was claimed by the Union Mutual that the home companies influenced the increase of rate very materially.

The fire companies, chartered by Vermont, and now actively engaged in business in the state, includes the Vermont Mutual, 1827; the Union Mutual, 1874; and the New England Fire Insurance Company, of Rutland, December 24, 1880. The latter company began business March 31, 1881. It was organized "for the purpose of making contracts of indemnity for loss or damage by fire or lightning, and issuing policies of insurance against such loss or damage." Provision was made for a capital stock of not less than \$100,000, with authority to increase the same to not more than \$1,000,000. Shares of stock equalled \$50, and their holders were relieved from personal responsibility for the debts of the company, "except in case of violation of this act or fraud." It was required that the entire capital stock should be subscribed, and ten per cent. thereof paid in, before organization could be completed. The directors were authorized within twenty days after organization to require the payment of ten per cent. additional. Whatever balance of each share of stock was not paid in cash was, within thirty days after organization, to be secured to the company either by mortgage or endorsed promissory note.

Organization was completed and business begun under this charter in 1881. The presidents of the company were L. W. Redington and John A. Mead; the secretaries, Chester Parmenter, one of the original commissioners to receive subscriptions, and J. R. Hoadley, secretary since 1887. Up to December 31, 1895, the New England collected premiums amounting to \$409,900. Its losses, paid over the same period, equalled \$240,139. The following table will disclose the volume of business done by the company during the decade ending December 31, 1895:

YEAR.	ASSETS.	TOTAL INCOME.	LOSSES PAID.	OUTSTANDING RISKS.
1886.....	\$103,371	\$14,398	\$9,401	\$1,762,792
1887.....	155,359	19,734	9,776	2,161,225
1888.....	156,942	24,825	13,261	2,533,371
1889.....	157,153	27,766	12,326	2,599,642
1890.....	158,653	32,001	20,777	2,566,095
1891.....	155,656	29,200	18,590	2,155,557
1892.....	154,837	35,381	19,128	2,106,403
1893.....	152,042	32,657	18,066	2,361,372
1894.....	144,604	21,823	12,144	1,165,451
1895.....	139,632	24,559	10,807	1,191,582

NATIONAL LIFE INSURANCE COMPANY, MONTPELIER, VT.—The National Life Insurance Company was incorporated by an act of the Vermont legislature, approved November 13, 1848. The original act, of which an epitome follows, added to the title the words “of the United States.” The corporation was formed “for the purpose of making insurance on single lives, joint lives and survivorship, and for making reversionary payments and all other contracts whatsoever pertaining to the business of life and health insurance upon the principles of mutual participation in the funds or profits and mutual contribution, or otherwise, with all the usual powers, privileges, obligations and liabilities incident to similar corporations within the United States.” [Section 1.] Location was left to the decision of a majority of the incorporate persons, as follows:

Hon. Henry Clay, of Kentucky; Hon. Amos Abbott, of Massachusetts; Hon. Robert P. Dunlap, of Maine; Hon. Wm. McClay, of New York; Hon. William N. Treadway, of Virginia; Hon. Alexander Ramsey, of Pennsylvania; Hon. Henry G. Cranston, of Rhode Island; William C. Kittredge, Robert Pierpoint, Julius Converse and Albert G. Whittemore, of Vermont, and Benjamin Balch, Esq., of Massachusetts.

Organization was predicated upon the precedent subscription of one hundred or more persons to become members, and the directors, one-half of the entire board, chosen at such time, were authorized to adopt by-laws, rules and regulations for the safe and prudent management of the corporate affairs. The full board of fifty directors was not to be chosen until a reserved guarantee capital stock, of at least \$100,000, had been taken, either in money, stocks or real estate. The board had authority to increase the capital to any further sum not exceeding one million of dollars. The act provided that the funds of the corporation should be invested safely and permanently in the stocks of the United States, or in public state stocks of any state in the Union, or in bonds and mortgages of improved and unincumbered real estate within the state of Vermont, of a value fifty per cent. more than the sum loaned.

Organization under this act proved to be both impracticable and impossible, and none was affected. An amendment was obtained under date of approval October 26, 1849. The directors were thereby authorized to fill up subscriptions and to secure payment whenever in their judgment it was deemed expedient and necessary. The company was empowered to begin business whenever two hundred persons had subscribed for an aggregate face amount of \$200,000 of insurance, or when \$25,000 of the guarantee capital had been paid in or secured by stocks or real estate, as provided in the act of 1848. The location of the company was definitely fixed, by section 6, at Montpelier, Vt. The number of directors was decreased from fifty to twenty-five, the latter, or first board, being specifically named in the act:

FIRST BOARD OF DIRECTORS.—William C. Kittredge, Robert P. Dunlap, Jackson A. Vail, Homer W. Heaton, Joseph B. Danforth, Jr., William Upham, Paul Dillingham, William C.



Bouck, William C. Bradlee, Daniel Baldwin, Timothy P. Redfield, Samuel S. Phelps, Edmund Weston, Julius Converse, Luther W. Anderson, John A. Page, George Langdon, Joseph H. Barrett, Lucius B. Peck, Julius Y. Dewey, Benjamin Balch, Homer E. Hubbell, William Weston, Nathaniel H. Eaton and Edward A. Stansbury.

Under its amended charter the company at once organized and began to do business January 17, 1850, writing upon said date policy No. 1, upon the life of Daniel Baldwin, of Montpelier. On the 30th of October, 1850, another act of amendment was secured from the legislature, by which the expectation of the only chartered life office, then resident in Vermont, was radically and permanently improved. By this act it was made competent for judges to try cases in which the company was a party, for persons to act as witnesses and jurors, and for officers to serve and execute writs or other process, notwithstanding their membership in the company. This act also made it lawful to issue policies to any married man for the sole use and benefit of his wife, free from claims of his representatives or creditors, provided that this exemption was limited to an annual premium not in excess of two hundred dollars. The directory was again reduced, this time to thirteen members, its present number. Section 8 prohibited loans to the following extent: "In no case shall it be lawful for said company to loan any sum of money to any director or officer of said company upon any security whatever." The original charter of the National Life has been modified by only five acts of amendment since 1850: That of November 12, 1852, which gave authority for investing assets in city stocks or bonds, and mortgages on unincumbered real estate beyond the limits of the state, and power to establish branch offices in any place out of the limits of Vermont, provided the directors were of the opinion that the company's interests would thereby be promoted. That of October 27, 1858, which altered the company's title to simply "National Life Insurance Company." That of November 12, 1886, which provided for the election of directors in four classes. That of November 10, 1892, which changed the date of the annual meeting from the first Monday to the first Tuesday in January of each year; and that of October 24, 1894, which changed the date of electing directors to the third Tuesday in January.

The men who attended the first meeting of the directors were Messrs. Dewey, Baldwin, Weston, Heaton, Redfield, Danforth and Balch. They probably met, as provided for in the act of 1849, at the house of Mahlon Cottrill, in Montpelier. During 1850 the Hon. William C. Kittredge, of Fairhaven, Vt., served as president. His enforced absence made his occupancy of that office wholly nominal. The administrative duties of organization were assumed and discharged by Dr. Julius T. Dewey, of Montpelier, who was made president January 6, 1851. Dr. Dewey was first interested in the matter by Benjamin Balch, who came up from Worcester, Mass., to work the Vermont legislature for a charter. Dr. Dewey at that time and for this section had a large and lucrative country practice. He was very familiar with the distress occasioned by the death of a father and the misfortune too often accompanying old age. What Mr. Balch had to say about life insurance interested him enough to lead him to use his influence at the state-house in behalf of a charter. He afterwards contributed to the capital of the company, and very soon became its active organizer and manager. When once engaged in the business he gave up to it all his energies and means. He withdrew from the active practice of medicine, and became the president, agent, medical director and energetic promoter of the company which was destined to expand into the greatest fiduciary institution in the state. From the responsibility for the company's promotion and organization he passed to the responsibility for its progress and growth. He demonstrated, in this particular,

the important bearing of the personal function upon corporate institutions. When the local field was exhausted—and that experience came early—when business no longer came in, and progress appeared to be checked, Dr. Dewey himself went forth and solicited applications. He went to Montreal and brought back twenty, twenty-five or thirty thousand dollars of insurance, had the policies written, and returned and delivered them. In this he acted as solicitor, as medical examiner, as executive officer, and, when the money was received, as the financial and investing agent of the company. His financial judgment was sound. His ideas of equity and mutuality were most pronounced. These were also the characteristics of his associates, Redfield, Reed, Dillingham, Heaton, Baldwin and Thurston, who, with all the others, served the company, in those trying days, faithfully and well.

The first secretary of the company was Roger S. Howard, of Thetford, Vt., elected January 15, 1850. He resigned during the year, was temporarily succeeded by James T. Thurston, of Montpelier, and he by George W. Reed, January 2, 1852. Mr. Reed has held the office of secretary for forty-five years, and been a director since 1864. During 1850, Edmund Weston, Daniel Baldwin and Julius Converse served as vice-presidents. In 1851 Daniel Baldwin alone acted in that office. In 1852 Judge Timothy P. Redfield was chosen vice-president. He resigned in 1871 to go upon the Bench, and was followed by Charles Dewey, son of the president. In 1877, when his father died, Charles Dewey became president of the company. He was born March 27, 1829, prepared for college in his native town of Montpelier, and graduated from the University of Vermont, class of 1845. Immediately after leaving the university he entered upon the office of assistant secretary of the Vermont Mutual Fire Insurance Company, becoming its secretary in 1850. He remained the secretary for twenty-one years, and a director of the Vermont Mutual for over thirty years. Mr. Dewey has been a director of the National Life since 1851, of the Washington County Grammar School since 1864, and of the First National Bank since 1865. He is also the president of the First National Bank and of the Lane Manufacturing Company of Montpelier. During 1867-69 he was county senator, and, in 1882-84, inspector of finance of the state. President Dewey has for thirty-five years been a member of the company's committee on finance. His work in this important matter has been very able and very influential. During his administration of now nearly twenty years, the company's outstanding risks have increased from eight to over seventy-five millions, and its assets from two to thirteen millions of invested funds. Edward Dewey succeeded his brother as vice-president. He was chosen a director in 1867, and had been the assistant secretary and actuary since January 1, 1866. Prior to 1860 Mr. Edward Dewey engaged in various mercantile pursuits. The following few years he accepted a clerkship in the office of the Vermont Mutual. In 1863 he enlisted and served as quartermaster of the Eighth Vermont. Upon his return to Montpelier, in 1865, he accepted an appointment from the National Life.

The actuarial work of the company was at first done by Elizur Wright, of Boston, who was both consulted, and who also valued the policy liabilities in different years. During 1866-77 Edward Dewey was the actuary, and from 1878 John B. Thurston held the office until his death in 1888. Osman W. Clark, who had been elected assistant secretary in 1885, was the actuary for a short time after Mr. Thurston's death. Joseph Arend De Boer was elected October 1, 1889.

Up to 1885 the office of treasurer had been merged in that of the secretary. It became apparent by that time, however, that the rapid progress and extension of the business necessitated a division of labor. The office of treasurer was therefore created January 5, 1885, and James C. Houghton, a director of the company since

1872, elected to the place. Mr. Houghton, a graduate of Amherst College, and a man of extensive business and banking experience, organized the department and prepared it for doing the great work which another decade of business would produce. His active and forceful extensions of the field work, coupled with a more vigorous push for new business than had ever before been made, has resulted in a notable increase of progress and popularity. The office of assistant treasurer was created January 6, 1890, and Harry M. Cutler appointed to the place.

The Medical Department was under the supervision of Dr. Dewey until January, 1872, when Dr. Ezra Paine was appointed. Upon the latter's removal from the state, Dr. Sumner Putnam, of Montpelier, succeeded, and he continued in sole charge of this work until his death. Dr. Arthur B. Bisbee was made medical director, January 2, 1888.

When it is considered that the National Life is now entering upon the forty-eighth year of its active business career, it stands forth as a remarkable fact that its officers and directors should have been so few and served so long. Section 7 of the Amendatory Act of 1850 especially provides that "the business and affairs of said company shall hereafter be managed by a board of thirteen directors." The financial affairs of the company have been always, and are now, managed by a committee on finance, elected by and out of the board of directors. This enforced attachment of responsibility and its necessary exercise, has made the office of director an active and important one. Among the men who have held this position of trust, and to whose faithful performance of duty the National Life is indebted, were the following:

Julius Y. Dewey, 1849-1878; Timothy P. Redfield, 1849-1889; Paul Dillingham, 1849-1892; Homer W. Heaton, 1849-1867; Daniel Baldwin, 1849-1853; Edmund Weston, 1849-1853; William C. Kittredge, 1849-1851; Joseph B. Danforth, Jr., 1849-1852; John A. Page, 1850-1855; J. A. Vail, 1850-1851; Julius Converse, 1851-1853; Albert L. Catlin, 1851-1854; George W. Collamer, 1851-1862; Orren Smith, 1851-1857; Charles G. Eastman, 1852-1861; James T. Thurston, 1853-1879; Vernon P. Noyes, 1853-1855; Erastus Fairbanks, 1853-1858; James W. Hickok, 1854-1856; George Prichard, 1855-1861; Jacob Collamer, 1855-1866; Chalon F. Davey, 1856-1865; George B. Chandler, 1857-1864; Roderick Richardson, 1858-1875; Hiram F. Stevens, 1861-1865; W. H. H. Bingham, 1861-1895; Rufus F. Andrews, 1862-1865; Franklin Haven, 1865-1875; James C. Converse, 1865-1871; Frederick Billings, 1871-1891; Gilman B. Du Bois, 1871-1872; Eustace C. Fitz, 1875-1878; P. P. Pitkin, 1878-1892; Charles T. Sabin, 1879-1889; Levi K. Fuller, 1891-1896.

For the greater part of the time prior to 1860, the committee on finance consisted of Messrs. Collamer, Richardson and Thurston. In 1861, President Dewey succeeded Mr. Collamer after a service of eleven years. Mr. Richardson terminated his directorship of seventeen years in January, 1875, and was followed on the committee by W. H. H. Bingham, of Stowe. James T. Thurston, director and member of the finance committee for twenty-six years, was followed by General P. P. Pitkin in 1879. General Pitkin died in 1891, and was succeeded by Col. Fred. E. Smith, president of the Vermont Mutual. The Hon. Paul Dillingham, of Waterbury, Vt., was a member of the first board of directors, and served continuously over forty-three years until his death, which occurred July 26, 1891. From the first he endorsed the movement looking towards organization, and contributed largely to the capital required. He was also the company's attorney after 1873. The present board of directors is constituted as follows, one vacancy being due to the death of ex-Governor Levi K. Fuller in 1896:

Charles Dewey, 1851; George W. Reed, 1864; Fred E. Smith, 1865; Dudley C. Dennison, 1866; Edward Dewey, 1867; James C. Houghton, 1872; James T. Phelps, 1878; Wheelock G.



Veazey, 1889; George Briggs, 1889; George G. Benedict, 1892; William P. Dillingham, 1892; W. Seward Webb, 1895.

The company's first office was a low-jointed room, about fifteen by sixteen feet, in the second story of a small brick building two stories in height, which stood on the site now occupied by the office of the Vermont Mutual Fire Insurance Company. On the 24th day of March, 1860, the directors bought the two-story brick building, a private residence, then standing on the site now occupied by the home office. A fire-proof vault was added, and two rooms were fitted up and used until January of 1873. Again prosperity crowded the company out of quarters, and more extended office room was sought outside. The Vermont Mutual had just completed a new building. The entire second floor of this building was rented by the National and occupied until November, 1891, when it took up abode in its own office, constructed during 1890 and 1891. The new home office was erected under the supervision of a committee consisting of Directors P. P. Pitkin, Charles Dewey, Edward Dewey, J. C. Houghton and F. E. Smith. The architect was S. Edwin Tobey, of Boston; the builders, Messrs. Cutting & Bishop, of Worcester, Mass.; the superintendent, Thomas Osborn, of the same city. The style is Dutch renaissance. The building has a frontage of fifty-four feet, a depth of seventy-six. From the basement the structure rises three stories, the first finishing twenty feet with a mezzanine floor of ten feet over the medical director's office, the second story twelve feet in the clear, and the third ten feet. The main floor is occupied by the counting-room and office of the medical director. On the second are the offices of the president, vice-president and treasurer, those of the president and treasurer being separated by a massive steel vault, but connected by a passageway in front, guarded by steel day gates. Upon the third floor are the offices of the actuary. Underneath all is a basement, nine feet high, partitioned into rooms for a steam boiler, lavatories, coal room, elevator machinery, janitor's office, toilet room, fire-proof storage vault and a smaller one for records.

It has been stated that the first policy was written by the National Life, in Vermont, January 17, 1850. The company was admitted to New York September 17, 1850. It early entered Massachusetts, and laid the foundations for important and most reputable holdings in that field. It was admitted to Illinois, February 26, 1869; into Ohio the same year; into Michigan, May 1, 1872; Iowa, 1873; Pennsylvania, 1874; Minnesota, 1875. The Pacific coast was first opened up in 1885, and the Missouri field in April of 1889. The company is licensed to do and does business in California, Colorado, Connecticut, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington, West Virginia, Wisconsin and Wyoming. The above list of states demonstrates its policy hitherto of operating only in the most healthful sections of the United States. It has done no foreign business.

Thus was the National Life of Vermont chartered, thus was it organized, by these men was it set in motion and directed, and in the above-mentioned fields did it do its work. It is not the purpose of this paper to so minutely detail the history of Vermont insurance companies, as to include a reference to the agents, solicitors and representatives, who at home and abroad were the actual, productive forces that maintained and extended their affairs. In the case of the National, the debt due its agents is peculiarly great. For it is an open question whether, with the competition which existed even forty years ago, and which now is exceedingly active, whether

in a state of practically stationary population, small at that, and scattered over a great acreage, a life company of any kind could successfully be limited to the state and live. The National has long since outstretched the boundaries of Vermont. The company's business is national, its strictly local portion being less than one-twentieth of the whole. Its progress and growth will best appear from the following tables taken from its records:

TABLE I.—INCOME AND OUTGO.

FOR THE YEAR	PREMIUMS.	INTEREST, ETC.	TOTAL INCOME.	PAID MEMBERS.	TOTAL OUTGO.
1850.....	\$14,170	\$46	\$14,216	\$1,000	\$5,571
1855.....	27,271	5,596	32,867	12,168	19,738
1860.....	52,768	14,627	67,395	20,956	34,989
1865.....	110,851	28,268	139,119	84,287	104,992
1870.....	191,661	64,760	256,421	122,212	159,723
1875.....	292,345	109,604	401,949	181,330	232,741
1880.....	264,185	117,219	381,404	189,928	243,050
1885.....	608,532	170,724	779,256	299,115	451,121
1890.....	1,789,472	312,823	2,102,295	728,904	1,251,414
1896.....	2,811,063	546,293	3,557,356	1,259,979	1,986,395

[NOTE.—Premiums include annuity considerations and interest includes rents.]

TABLE II.—ASSETS, LIABILITIES, SURPLUS.

FOR THE YEAR	ASSETS.	LIABILITIES.	SURPLUS.
1850.....	\$8,646	.....	.....
1855.....	75,159	.....	.....
1860.....	272,275	\$178,636	\$93,639
1865.....	474,083	342,265	131,818
1870.....	1,011,972	704,234	307,738
1875.....	1,845,750	1,287,850	557,900
1880.....	2,386,737	1,768,154	618,583
1885.....	3,523,821	2,796,759	727,062
1890.....	6,763,845	5,915,593	848,252
1896.....	13,540,024	11,884,329	1,655,695

[NOTE.—Surplus of 1860, 1865 on 5 per cent. basis; the others, 4 per cent. basis; reserve not calculated in 1850 and 1855.]

TABLE III.—NEW AND OUT-STANDING INSURANCE.

FOR THE YEAR	POLICIES ISSUED.	AMOUNT ISSUED.	POLICIES IN FORCE.	AMOUNT IN FORCE.
1850.....	384	\$465,700	367	\$452,250
1855.....	154	205,711	768	1,012,461
1860.....	281	444,200	1,248	2,008,137
1865.....	461	897,300	2,025	3,445,757
1870.....	876	1,922,833	3,226	6,109,326
1875.....	704	1,589,578	4,651	9,919,536
1880.....	518	1,020,348	4,295	8,717,443
1885.....	3,508	4,659,306	10,776	16,579,518
1890.....	5,833	15,148,462	21,604	46,362,301
1896.....	6,590	13,611,204	34,352	72,474,731

The form of policy first written by the National was the ordinary life, premiums level during the existence of the policy. The rates used corresponded to those published by Massachusetts companies, and the wording of the contract, as regards benefits, limitations and conditions, was very similar. Although the contract was voided by a failure to pay premiums when due, and no clause existed in the earlier forms,

under which the injured could claim surrender values, it early became the fixed practice of the company to make a return if three or more premiums had been paid. The principle of non-forfeiture was thus early introduced by recognizing a member's equity in the policy reserve. In the early fifties the company also issued a seven-year-term policy, with permits to their holders to make the trip to California, and to engage in work or business in the Pacific states, if so desired. This business was not profitable on account of the unusual mortality experienced in that class. It was soon suspended, and ordinary life, limited payment life, and old style endowment policies were made the basis of the company's early insurance composition.

In or about 1869 the company began to issue what was called a life-rate endowment. This proved to be a very satisfactory contract, because it was easily explained to the public and open to annual accounting on the demand of the insured. The rates for this policy were the same as for ordinary life contracts. The company, as soon as one was issued, opened up for each member an insurance book account. He was credited with his premium and any extra payments which he might choose to make, also with interest upon accumulating balances and charged with his pro rata share of experienced expenses and insurance costs. The balance remained his personal property, subject by contract terms to his complete control. This was, in effect, a non-forfeitable contract from date of issue, so far as any evidence by lapse was involved. Statements were yearly rendered, on demand, and so arranged as to make clear to the average man what at least had before seemed to be a mystery of insurance. The company to-day holds over one and a quarter million of dollars to the credit of this particular class. In the later seventies, this company, which was yet comparatively small, introduced a form of insurance to the public which attracted much attention. It was first brought to the attention of the directors by James T. Phelps, of Boston, the company's present general agent for the state of Massachusetts. Mr. Phelps, who was also a director of the company, had witnessed the people of Boston as they stood in line before the post-office, waiting for an opportunity to buy a United States bond, then being placed to effect a public loan. He was impressed by the idea that here were many people seeking a chance to pay down a single sum for the sake of a small yearly return and the repayment of the principal sum some time later. He reasoned that a contract, called a bond, and arranging for small discounted annual deposits and the payment of the face of the bond, at the end of a definite period, would also interest the public. The argument became complete when to this proposition was added a guarantee of successive yearly cash values of liberal amount and the benefit of the face amount at prior death. Mr. Phelps elaborated this idea in company with actuary John B. Thurston. The company adopted it, applied it in contract form by the aid of Elizur Wright's Savings Bank Insurance computations, called the policy an Instalment Bond and introduced it. It called forth, at the time, a great deal of criticism from competitors, who regarded it an unsafe and dangerous plan because of the slender margins and liberal cash value endorsed. This business, of which a great deal was issued and which was the beginning of the company's remarkable extension in recent years, has been found self-sustaining, and, judging from the facts, of peculiar service to the people who invested in it. The next advance in policy construction, begun in 1888 and amended in 1895, has resulted in a series of contracts called Life Option Policies and Endowment Bonds, which, for clearness of expression and the completeness of guaranteed protection against various vicissitudes either of death, invalidity, old age or business reverses, have received general commendation. These contracts continue the mutual practice of recognizing the holder's interest in his policy reserve. The title option refers to his



power, in case of lapse, to select either a cash, a paid-up or an extended insurance value and to the disposition which may be made of distributed surplus. They provide for loans on the assignment of the policies as security. They may, on application, have attached to them a supplementary agreement, by which the company contracts to act as trustee in the distribution of the proceeds after such manner as the insured persons may designate and to such beneficiary as he may name.

This benefit, called Insurance Rights, was devised to insure the purchaser of a policy in his intent, and to reduce the danger of a misapplication of funds, or of bad investments to a minimum. The future of the National Life is full of hope. It is strong, well composed, prosperous and popular. Its policy of action is to bestow the largest possible measure of guaranteed protection upon conservative plans. It presents its history, its contracts, and its securities as evidence of what life insurance has wrought hitherto, and of what it individually has contributed to the science and art of that most sacred business.

THE VERMONT LIFE INSURANCE COMPANY, of Burlington, was incorporated October 28, 1868. The name of the incorporators are Torrey E. Wales, Lemuel B. Platt, Samuel Huntington, James A. Shedd, Russell S. Taft, Rodney S. Wires, Nathaniel Parker, J. D. Hatch, George F. Edmunds, Omri A. Dodge, F. C. Kennedy and Lawrence Barnes. The capital stock was divided into shares of \$25 each, and was not to exceed \$125,000. Organization was permitted whenever \$50,000 of the capital stock had been paid in, and business could be done whenever the company was fully organized. The liability of stockholders was limited to the amount of their stock, but personal liability attached to persons guilty of fraud or a violation of the charter. The corporation was authorized to insure the lives of individuals, to make any contracts appertaining to or connected with life risks, and also, "to grant, purchase, or dispose of annuities." The charter specifically empowered the company to issue policies with or without participation in profits. Burlington, Vt., was designated as the location of the home office. Management and conduct of the corporate affairs were delegated to a directory of not less than twelve, nor more than twenty-four members. Of these a majority must reside in the state, though directors may be chosen from among both policy-holders and stockholders, the board to consist, however, of at least one-half of stockholders. A further condition of eligibility to the directory was either a *bona fide* ownership of forty shares of the capital stock, or of a life policy paying a premium of at least \$100 yearly. Among other powers vested in the directors was the regulation of the amount of premiums, and the mode and manner of their payment. The stock was limited by charter to a semi-annual dividend not exceeding three per cent. It was further provided that when the current expenses, loans and dividends had been met, and adequate reserve set aside for outstanding policy liability, that one-sixth of the profits should be paid to the holders of capital stock, and five-sixths should be divided among policy-holders under such rules and regulations as the directors may prescribe. An act was approved November 22, 1870, which directed the election of twenty-four directors in three classes of eight members each; eight for one, eight for two, and eight for three years. The legislature also exempted the company from taxation of its assets, except real estate, "so long as the known and contingent liabilities of said company shall exceed its assets."

From the character of the charter, as well as the conduct of this company, immediately following organization, it appears to have been intended at first, at least, for local work. For many years it operated almost wholly within the territory about its home office, nor has it until recently begun to extend its work to distant fields.

The Vermont Life's preliminary statement reported that it began to do business January 1, 1869, on a cash capital, actually paid in, of \$50,000, with Russell S. Taft, president, and Warren Gibbs, secretary, both of Burlington. Four years later the capital, paid up in cash, had been increased to \$100,000, the assets to \$150,708.73, and the annual income to \$33,334.54.

By the close of 1875, the company had a business in Vermont of four hundred and twenty-two policies, insuring \$744,600. In the returns, published in the Vermont report for the year ending December 31, 1885, the company's admitted assets had increased to \$296,634.99, and its outstanding insurance to \$1,407,149. In this year the president was William H. Hart, and the secretary C. R. Turrill, who has been connected with the company in this capacity, and as actuary, ever since. Mr. Hart was succeeded for a short time in the presidency by C. M. Spaulding in 1891, by which date the company's assets amounted to \$388,908.20, with a surplus, as regards policy-holders, of \$78,490.20. In the latter part of that year, John H. Robinson, an experienced underwriter, was elected vice-president and manager, and, on January 7, 1893, president. Under Mr. Robinson's administration the company has enjoyed an extension of business and prosperity, best indicated by the following table of returns:

YEAR.	TOTAL INCOME.	NEW INSURANCE.	OUTSTANDING INSURANCE.	ASSETS.	SURPLUS.
1891.....	\$88,247	\$195,298	\$2,059,748	\$388,908	\$78,490
1892.....	94,896	801,500	2,434,199	409,750	88,525
1893.....	100,125	1,263,152	3,010,636	422,522	100,207
1894.....	112,995	2,013,895	3,854,390	435,362	101,767
1895.....	125,760	2,516,581	4,147,869	462,829	100,270

The other officers of the company are: C. M. Spaulding, vice-president; C. R. Turrill, secretary and actuary; Thomas J. Robinson, assistant actuary; W. R. Prime, M.D., medical director. The company does business in Indiana, Michigan, New York, Ohio, Pennsylvania, Illinois and Vermont. The policies, issued by the Vermont Life, are modern contracts of insurance, carefully arranged, clearly expressed and liberal in their terms. They are, in general, written upon a level premium basis, although a yearly renewable term policy has been also issued since January, 1896.

The Insurance Department of Vermont was organized by the legislature in 1852, the secretary of state and the state treasurer being designated ex-officio commissioners. The arrangement was maintained by yearly elections up to 1890, and, thereafter, the commissioners were elected biennially. The first published report of the department was issued October, 1869. There were then thirty-seven foreign fire companies and twenty-six foreign life companies licensed to do business in this state. The two home life companies, the National and the Vermont, were at that time doing business in but few states outside of their own. Under the reciprocal tax law, therefore, the revenue of the department was very small, \$854. The actuary, George W. Wing, estimated the total premiums, collected during that year in Vermont, at \$500,000. The state continued to exact small fees from foreign companies, and the commissioners complained that, whereas the insurance interests of the people were of great importance, the incomes therefrom were inadequate to meet the expenses of the department.

As yet, no report was made of premiums and losses, although the business was considerable, there being over three hundred agencies in the state. The commissioners were left no discretion in the matter of admitting foreign companies, and repeatedly urged a revision of the insurance laws, which, however, was long delayed.

The first biennial report was that of 1871-72, when there were fifty-four fire and thirty-eight life companies operating in the state. It was claimed that these companies did a larger business during the last three months of 1871 "than in the first ten years under our statute." Sixteen companies failed to make returns, but the others collected premiums of \$285,592 for fire insurance, and \$539,417 for life. The estimated premiums collected in Vermont were set at one million dollars. It seems to have been natural and usual at this period to have regarded the business from the standpoint rather of premiums paid than of protection afforded. In the report of 1873-74 the commissioners advocated "a small tax on the net receipts of foreign companies," and a modification in the laws. The following year these recommendations were repeated, but nothing new was reported. Next, for a period of ten years, reports were filed with the state auditor, but none were further published by the commissioners until 1885. In February of that year the department refused a license to the Granite State Mutual Aid Society, on the ground that they did not have \$100,000 assets. The case was carried to the court, and a construction was asked of Section 3607 of the Revised Laws as amended by No. 45 of the acts of 1884. The court sustained the commissioners. By act of November 18, 1892, the commissioners were authorized to revoke the license of any foreign company that violates any law of the state relating to insurance. The following men have served in this department since its organization :

SECRETARY OF STATE.	STATE TREASURER.	TERM OF OFFICE.
Ferrand F. Merrill.....	George Howes.....	Oct. 1, 1852, to Oct. 1, 1853.
Daniel P. Thompson.....	John A. Page.....	Oct. 1, 1853, to Oct. 1, 1854.
Daniel P. Thompson.....	Henry M. Bates.....	Oct. 1, 1854, to Oct. 1, 1855.
Charles W. Willard .....	Henry M. Bates.....	Oct. 1, 1855, to Oct. 1, 1857.
Benjamin W. Dean.....	Henry M. Bates.....	Oct. 1, 1857, to Oct. 1, 1860.
Benjamin W. Dean.....	John B. Page.....	Oct. 1, 1860, to Oct. 1, 1861.
George W. Bailey, Jr.....	John B. Page.....	Oct. 1, 1861, to Oct. 1, 1866.
George Nichols.....	John B. Page.....	Oct. 1, 1866, to Oct. 1, 1882.
George Nichols.....	William H. Dubois.....	Oct. 1, 1882, to Oct. 1, 1884.
Charles W. Porter.....	William H. Dubois.....	Oct. 1, 1884, to Oct. 1, 1890.
Chauncey W. Brownell, Jr.....	Henry F. Field.....	Oct. 1, 1890, to ———

The following tables have been compiled from the Vermont Reports :

TABLE I. NUMBER OF COMPANIES OPERATING IN VERMONT.

YEAR OF REPORT.	HOME COMPANIES.		FOREIGN COMPANIES.				TOTAL.
	Life.	Fire.	Life.	Fire.	Assessment Life.	Miscellaneous.	
1891	2	3	19	45	5	10	84
1892	2	3	20	51	6	14	96
1893	2	3	21	49	6	14	95
1894	2	4	21	45	6	16	94
1895	2	3	24	43	6	16	94
1896	2	3	25	39	5	21	95



TABLE II. FIRE INSURANCE BUSINESS, STATE OF VERMONT.

Dec. 31.	Insurance Written.	Premiums Received.	Losses Paid.	Losses Incurred.
1888 . . . . .	\$37,789,433	\$577,467	\$466,771	\$465,458
1889 . . . . .	42,413,460	632,362	491,820	492,064
1890 . . . . .	44,159,651	647,486	327,779	325,765
1891 . . . . .	46,128,202	690,382	614,348	675,988
1892 . . . . .	48,464,508	729,077	534,475	487,334
1893 . . . . .	49,599,005	764,326	527,621	563,144
1894 . . . . .	50,125,077	763,430	585,628	716,572
1895 . . . . .	55,683,023	799,071	861,354*	758,255

TABLE III. LIFE, ACCIDENT, FIDELITY AND CASUALTIES COMPANIES IN VERMONT.

Dec. 31.	Amount Issued.	Premiums Received.	Losses Incurred.	Losses Paid.
1886 . . . . .	\$7,173,357	\$473,034	\$220,809	\$223,243
1887 . . . . .	8,193,815	533,956	281,620	280,557
1888 . . . . .	8,896,342	635,205	294,727	290,669
1889 . . . . .	11,754,939	698,962	330,669	322,954
1890 . . . . .	14,077,505	755,961	405,220	396,641

The business done in the state since 1890 is so divided in the reports as to admit of the following classifications :

TABLE IV. LEVEL PREMIUMS LIFE INSURANCE BUSINESS, VERMONT.

Dec. 31.	Insurance Issued.	Premiums Collected.	Losses Paid.
1891 . . . . .	\$3,310,806	\$689,548	\$277,947
1892 . . . . .	3,322,902	714,279	388,275
1893 . . . . .	3,959,617	803,115	329,571
1894 . . . . .	5,210,343	908,048	298,105
1895 . . . . .	5,443,231	989,821	347,268

TABLE V. ASSESSMENT LIFE BUSINESS IN VERMONT.

Dec. 31.	Insurance Issued.	Premiums Collected.	Losses Paid.
1891 . . . . .	\$2,226,350	\$69,171	\$48,539
1892 . . . . .	1,007,500	80,508	47,500
1893 . . . . .	1,168,250	96,722	60,500
1894 . . . . .	1,922,000	104,713	51,550
1895 . . . . .	1,577,500	123,950	108,568

TABLE VI. ACCIDENT, EMPLOYERS' LIABILITY, STEAM BOILER AND PLATE GLASS INSURANCE, VERMONT.

Dec. 31.	Risks Written.	Premiums Collected.	Losses Paid.
1891 . . . . .	\$11,604,422	\$101,058	\$32,937
1892 . . . . .	10,678,799	115,276	75,788
1893 . . . . .	9,008,203	66,190	35,453
1894 . . . . .	10,987,775	71,888	28,451
1895 . . . . .	12,380,033	66,040	27,527

\* The great fire in St. Albans, probably the most costly in the history of Vermont, occurred May 19, 1895. The estimated property loss was \$400,000. The companies paid \$275,345.

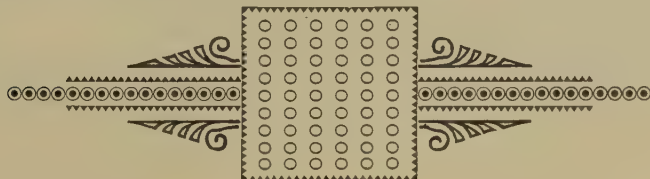
The history of legislation in Vermont appears to disclose no tendency on the part of its people to undertake associations or orders upon the assessment plan. The idea of localizing effort for the protection of residents against accident, sickness, invalidity or old age has not been set in motion. These forms of insurance, including liability, steam-boiler, marine, plate-glass and coöperative insurance, have generally been supplied by foreign companies and associations. There has been legislation regarding several associations, of which, however, nothing further need be mentioned but the fact: The Masonic Relief Association of Vermont [1880]; St. John the Baptist Mutual Benevolent Society, Burlington [1893]; St. Patrick Benevolent Society of Fairhaven [1870]; St. Peter's Hibernian Benevolent Society [1884]; The Baptist Ministers' Aid Society [1888]. If independent, mutual, coöperative associations have been undertaken, they have not accomplished enough work to attract public attention. An interesting instance of local insurance is that of "The Estey Organ Company Benefit Association," of Brattleboro. This was suggested by the late ex-Governor Levi K. Fuller and General Julius J. Estey in connection with their employees. The idea is to insure their workmen against loss of time and wages from accidents. The Estey Company supplies the association a bookkeeper free of charge, but the men manage their own affairs through their own committee. The company further agrees to donate yearly to the benefit fund a sum equal to 20 per cent. of all membership fees. This shop coöperation was first begun in 1892, and five yearly reports have been issued since. The yearly membership has averaged 268. Over this period the number of accidents to employees, both members and non-members, equalled 192; claims for accidents allowed, 100; cash paid to members, \$1,369.50; total membership fees, \$1,338. The expense of management is a mere trifle. The Estey Organ Company's 20 per-cent. donation equalled \$267.60. This experiment, although the sums are small, is yet noteworthy from its nature and because of its success to date. The company has under present advice the question of making membership in the association compulsory on all employees. It has already been required when new men were employed. This makes it, so far as known, the first instance of compulsory insurance in Vermont.

The courts of Vermont have been called upon very little to determine questions as between the companies and the insured. Litigation has been the rare exception. Wherever a definition or interpretation has been submitted the decisions have been founded upon a broad review of the law and upon a wise conception of the business involved. Among the most interesting questions that the Vermont courts have considered a few may be referred to here. In *Allen vs. Vermont Mutual Insurance Company*, 12 Vt., 366, it was held that the receipt of subsequent premiums, without knowledge of the suppressed fact, does not render a policy valid if the fact is material to the risk. The question of representation was also considered in *Farmers' Mutual Fire Insurance Company vs. Marshall*, 29 Vt., 23, and the conclusion, as stated, was that parol representations or concealments, material to the risk, may void insurance contracts, although like representations would not have a like effect in other contracts. An important question arose in the case of the *Lycoming Fire Insurance Company vs. Wright*, 55 Vt., 526. The court in that case decided that business done by foreign companies that had not previously complied with the state laws of regulation, was illegal business, and, therefore, that all contracts entered into as parts of such business were unenforcible.

A great deal has been written about the one-sided character of early insurance contracts, in so far as the applicant for the insurance was called upon to warrant the truth of his answers to all questions asked. This single matter has led to more liti-

gation, perhaps, than any other thing. In *Mosley vs. Vermont Mutual Insurance Company*, 55 Vt., 142, it was held that the misrepresentation of a fact, however immaterial, may render void a contract of insurance, provided the stipulations were clearly expressed. If the contract as to warranty was ambiguous, the misrepresentation must be proved material to the risk to work a voidance. Before this, however, and in line with it, the court had recognized it as a fundamental rule in the law of insurance that the policy, or contract, should be construed most strongly against the insurer and most liberally in favor of the insured. *Brink vs. Insurance Company*, 49 Vt., 442.

In this connection is also cited the interesting case of *Powers vs. Life Association*, 50 Vt. 680, in which a representation was held to be a warranty. The jury found that the deceased had heart disease at the time of making application for insurance. The court held that ignorance on the insured person's part of this fact was immaterial, because he agreed absolutely, in his application, that it did not exist and took the risk of the truth of his representation. A principle of great importance was brought up in connection with *Bruce vs. Life Insurance Co.*, 58 Vt., 253, important because the right of companies to discreetly change the methods of accounting for their earnings has been often raised. The court not only held, in this instance, that a change in the mode of business, demanded by common interests, was warranted, but added, "The company was bound to conduct its business in a way to preserve its solvency." In construing the law, when a provision in life policies, relating to suicide, was submitted, the Vermont court has followed the law of the best considered precedents. The rule of most liberal construction as regards the insured has also been observed. The expression, "shall die by suicide" was considered in *Hathaway vs. National Life Insurance Co.*, 48 Vt. 335. It was decided that the jury must be satisfied, for the plaintiff to recover, that the mind of the insured had no power to resist the insane impulse to take his life; that his act was an insane act in respect to which his reason was powerless. On the other hand, where no ambiguity existed as to the intent of the contracting parties, the court held the company competent to contract that the policy should be void if the insured suicided, "sane or insane." This construction was given in *Billings vs. Insurance Co.*, 64 Vt., 78, and, at the time, received considerable public attention, from the fact of the clear, direct and reasonable language used by the court. It was held that "suicide, sane or insane," defeats a recovery, although the insured acts in obedience to an insane impulse which has overcome his will.






## CHAPTER CXVI.

### VERMONT MARBLE.

BY E. V. N. HARWOOD.

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F there is one product which, during the present century, has become more identified with Vermont than any other, it is her marbles, for within the past fifty years they have made their way into every port in the civilized world, and have come to be recognized as the most beautiful in finish, and finest in texture of any quarried on the western hemisphere. The stone was discovered in Vermont more than a hundred years ago, but little was taken from the ground until 1785, when, according to Frederick Field, in *Vermont Gazetteer*, 1861, the first quarry was opened by Isaac Underhill, on land in Dorset, then owned by Reuben Bloomer. Of the young industry Professor H. M. Seely says: "The quarry was first wrought for fire-jambs, chimney backs, hearths and lintels for the capacious fireplaces of the day. People came a hundred miles for these beautiful fireplace stones, and considerable trade in them soon sprung up. Other quarries were soon in operation, and from 1785 to 1841 nine quarries were opened. The first marble grave-stone ever finished in Dorset, it is believed, was the work of Jonas Stewart, in 1790, from a slab taken from the Bloomer quarry. Active manufacture of marble headstones seems to date from 1808, when Elijah Skyes opened his quarry and gave his chief attention to the business. The stock was taken from the top or outer edge of the layers where the strata could readily be split into sheets or flags of a thickness of four inches or so. These sheets were cut down with a mallet or chisel into the desired shape. Marble was first sawn in the town of South Dorset, in 1818, by Field & Booth. When this method of sawing was well established the former sources of inferior marble were abandoned and better stone used. This sawn marble found a market in New York, Boston, Philadelphia, Cleveland, and at intermediate points. In 1840, before the introduction of Italian and Rutland marbles, the demand for Dorset marble was beyond the supply."

In 1805 the first quarry in Middlebury was opened. In 1802, two years after Philo Tomlinson began sawing slabs from a marble deposit in Marbledale, Mass. Dr. Ebenezer W. Judd made the Middlebury discovery, and, according to Professor Frederick Hall, set up a water-power mill close by the quarry, on the west bank of Otter creek, near the falls. In 1808 the buildings were enlarged and activity stimulated by an increased demand in the New York market which continued until 1837. Pliny says that marble was quarried more than 350 B. C., and it is a well known fact that the Egyptians of that period were extensive users of the stone. As far as the sawing was concerned little difference is noted between the methods used then and those adopted by Dr. Judd, other than that the latter propelled his saws by means of water-power, while his marble-quarrying antecedents resorted to brawn and muscle.

Although the marble belt of the eastern states extending along the western borders of Connecticut, Massachusetts, and in Vermont lies between the Green Mountains and the Taconic ranges, and even crops out in Canada, operations have come to center in Vermont, and to-day the largest producing quarries in the world are found in a strip lying along Otter creek, with Proctor and West Rutland as the principal quarrying towns. Strictly speaking, West Rutland is not in the valley of the Otter, being separated from it by a low ridge, but the marble of the region is so closely identified with the product obtained east of the dividing line that it is generally classified as belonging to it.

The Middlebury discovery set half the geologists in New England to prospecting on Vermont soil, and in less than twenty-five years a large number of quarries had been opened in a territory extending from Middlebury on the north to the Massachusetts line on the south. Every farmer owning land on which an outcropping of the stone was found seemed confident of becoming rich off-hand, and, as a result, one will find to-day many a ten-thousand-dollar pot-hole standing as a memorial to lost hopes and sunken fortunes. In those days \$10,000 was considered a fair amount to put into opening a quarry, and so sure was every land-owner that his was a marketable find that many put their entire fortunes into what often proved to be a losing venture, and then borrowed from banker and friend all that was forthcoming. It may be safely said that considerably more money has been lost than made in Vermont marble quarries. Unlike granite it is but seldom that marble suitable for "working" is found until a depth of from twenty to forty feet is reached, and even then the stone is not wholly free from cracks, "tight-cuts" and "heads". During the pioneer days of the industry the top lifts of the deposit were taken out by means of the hand-drill and gunpowder at an expense which accounts in no small way for the large fortunes lost. To-day when a marble deposit is found a solid core is bored out with a machine constructed for that purpose, and an examination of the core will give the prospector a fair idea of what he may expect to find upon opening the quarry. The development of machinery has also made quarrying less expensive. Thirty-five years ago marble was taken out by means of the hand-drill. To-day a steam channeling machine will do the work of twenty men and do it better. These machines together with diamond drills and improved gadders do away with much manual labor, and greatly facilitate the removal of the stone from its pre-historic bed.

An idea of the annual output of Vermont quarries may be gained from a statement made in 1882 by Redfield Proctor now United States senator. Mr. Proctor testified before the Tariff Commission then sitting in New York that the estimated annual output in Vermont was 1,200,000 cubic feet, with an increase of 75,000 cubic feet per annum. This would make the present output 2,325,000 cubic feet a year. Owing to the business depression of the past few years it is doubtful whether the maximum limit has always been reached. Nevertheless, the production of the stone is, as a whole, on an increase, which does not fall far short of Senator Proctor's estimate.

Of the kinds of marble found in the state there are two distinct classes, the Rutland, and the Southerland Falls, and more varieties than there are quarries. The Rutland marble is found in a strip half a mile long lying in West Rutland, and the Sutherland Falls variety is mostly obtained at Proctor, once known as Sutherland Falls. The Rutland marble is white or blue, and that found at Proctor is mottled. Mountain dark marble, so called, is obtained near the latter place. Time was when the white variety only was accepted by consumers, and a quarry containing mottled

stone was considered worthless. But during recent years the dark and mottled varieties have come into great favor, and are to-day extensively used for building and decorative purposes. A little statuary marble is found at West Rutland, but the amount is so small that the development of it is a minor feature in the trade. A large part of that produced is sent to Italy, where sculptors place a high value upon it.

The father of the Rutland marble industry was William F. Barnes, who, it is said, bought the entire West Rutland Marble Field for \$75. Mr. Barnes had great faith in his purchase, and in 1843 began work upon his quarry. This he successfully developed, and by so doing made his name and the history of the stone in Vermont inseparable. Sheldon & Sons, Charles Clement & Sons, Ripley Sons and Gilson & Woodfin were co-developers of a little later period, and with others succeeded in introducing the stone to the trade. The Ripley Sons' works, located at Center Rutland, were established in 1844 by the late W. Y. Ripley. The Gilson & Woodfin quarries, in the heart of the West Rutland belt, were opened in 1848, and the Sheldon & Sons' quarries were opened by Sheldon & Slason about the same time. Sheldon & Slason furnished the panelling for the "gold room" in the United States Treasury Building at Washington, and once filled a contract for two hundred and forty-five thousand lettered headstones for soldiers' graves in the national cemeteries. An association known as the Producers' Marble Company was formed April 1, 1881, and was successfully operated until it finally gave way to the Vermont Marble Company. The Producers' Association, which included the Vermont Marble Company, Sheldon & Sons, Gilson & Woodfin and the Dorset Marble Company, employed twenty-five hundred men and operated a dozen quarries, two hundred and eighty gangs of saws, fifteen rubbing-beds, and scores of turning-lathes and finishing-machines.

The largest producing marble concern in the world is the Vermont Marble Company, which controls more than half the output in America. The company was built up by Redfield Proctor, and has its headquarters in the town that bears his name. In fact, the whole village owes its prosperity to the corporation, the vast mills and shops of which constitute a small city by themselves. The town is picturesquely located upon a series of hills and in a multitude of valleys through which the streets wind in a most bewildering manner. The mills and shops, together with the stock-yards, lie along the banks of Otter creek, a short distance north of the railroad station, opposite which is the home of Senator Proctor. The original Sutherland Falls Quarry was opened by William Humphrey and Edgar Ormsbee as early as 1836, and the two men made their investment pay well. A little later, Dorr & Meyers put up and operated shops at the Falls, and the quarry came into the possession of the Sutherland Falls Marble Company. The two concerns, while independent of one another, worked in harmony until, in 1870, differences arose between Mr. Dorr and Mr. Meyers. So serious did the matter finally become, that Redfield Proctor, then living in Rutland, was appointed receiver, and the management of the mills was put into his hands. For two years the business was conducted on the line originally laid down by the mill owners, and then Mr. Proctor consolidated the mill and quarry interests under the name of the Sutherland Falls Marble Company, and at the same time increased the sawing capacity from sixteen to twenty-four gangs.

The business prospered, and in 1880 the Sutherland Falls and Rutland Marble Companies (the latter a combination including West Rutland and Center Rutland interests) consolidated under the name of the Vermont Marble Company. Mr.



Proctor, who had been general manager and treasurer of the old concern, was made president of the new company, and served in that capacity until 1889, when he was elected to a seat in the United States Senate; and his son, Fletcher D. Proctor, took his place. The Rutland Marble Company owned the most valuable quarries at West Rutland, together with one mill and most of the water-power at Center Rutland, and thus, under the new regime, the Vermont Marble Company was able to work to better advantage. It was not long after this move that the corporation began to absorb the most paying marble interests. In 1888 it bought the Gilson & Woodfin quarry and a twenty-gang mill at West Rutland, and one year later purchased from Ripley & Sons a sixteen-gang mill and the remainder of the water-power at Center Rutland. In 1892 a thirty years' lease was procured from Sheldon & Sons for the balance of the West Rutland quarries and mills. The property included several quarries and seventy-four gangs of saws. While the head office of the company is located at Proctor, the firm has branch offices at Boston, New York, Chicago, Philadelphia, Cleveland, Detroit, St. Louis and San Francisco.

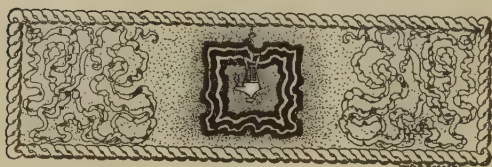
The property at Proctor includes the original Sutherland Falls quarry, an acre and a half in extent, and one hundred and seventy-five feet deep. This is the largest quarry in the world. It produces a variegated or clouded stone of fine texture and remarkable durability. Two miles north are two quarries, producing the "Mountain Dark" variety. Another quarry, three miles north of Proctor, known as the "Pittsford," produces a blue variety, equally fine and exceedingly handsome. The Proctor mills are one continuous line of buildings, covering in all ninety-six gangs of saws, and employing on an average eight hundred men. The sawing is done by means of a smooth blade and sand, much the same as it was fifty years ago. The principal improvements in the process relate to the feeding of water and sand to supply the saw. In connection with the mill is a building department, a blacksmith-shop, a machine-shop, polishing and rubbing-rooms, a department for the manufacture of tiling, gravestones, etc., and a mill for grinding waste stone into "marble sand," now used in the manufacture of glass. In a room apart from the hum of the machinery is a carving department, where ornamental pieces come from the hands of experienced workmen. In the basement of the main mill are dynamos generating electricity enough to light the mills, quarries and town, and operate machinery in certain departments. The two thousand horse-power, for running the heavy machinery in the main mill, comes from Otter creek, which at this point has a fall of one hundred and twenty-two feet. In the Proctor, as well as in the other quarries owned by the company, the quarrying is done with Wardwell, and with Sullivan, channelling machines, diamond gadders, Ingersol gadders and Sullivan diamond borers.

At Center Rutland the company owns a water-power and a small finishing-shop, where one hundred and fifty men are employed. The company's interests at West Rutland include several quarries on the Rutland deposit, and ninety gangs of saws. The finishing-shops, which for years have been located here, were moved in 1896 to Center Rutland and Proctor, in order that the water-power at those places might be utilized. The Sheldon quarry, on the Rutland deposit, is the deepest in the world. It has a sheer descent of two hundred feet, and extends for two hundred feet more under a hill. All told five hundred men are employed at West Rutland. The total number of men employed by the company is fifteen hundred. The corporation has its own stores at Proctor, Center Rutland and West Rutland. According to President Fletcher D. Proctor, the annual output of the company averages from 5,000 to 6,000 car-loads, containing 125 cubic feet to the car, making the total number of cubic feet about 750,000. The monthly pay-roll amounts to from \$50,000 to \$60,000.

To connect the quarries a railroad, known as the Clarendon and Pittsford Road, has been built by the company. The road begins at the Pittsford quarry, runs from there to Proctor, West Rutland, Center Rutland, thence to Rutland, making a line twelve miles long.

The True Blue quarry, located two and a half miles west of the West Rutland depot, is one of the oldest in the state. It was opened in 1785 and supplied many gravestones, which can be seen to-day in a perfect state of preservation in almost any old cemetery between Burlington and Bennington. The records of the town of Rutland show that the property was purchased in 1795 for £400, and sold in 1807, the right being reserved to work the ledge until 1809. The records also show that the quarry was leased in 1808 for five years "to work stone commonly called marble stone," and that it was again leased in 1814, 1828 and 1851. For a long time after this it lay idle. In 1884 it was purchased by the True Blue Company, an incorporated concern with a capital stock of \$200,000. The mill put up at that time was burned in 1893, and a new steel structure was erected and supplied with twelve gangs of saws. The marble is blue in color, of fine texture and is as handsome as it is durable.

The quarry of the Columbian Marble Company, a mile and a half south of Proctor, was opened in 1836, but was not worked until 1868. The present owners came into possession in 1871, when the Columbian organization was formed. The sawing and finishing shops are located in Rutland, where one hundred and fifty men are employed. The company was the first to introduce machinery for turning marble on lathes.




## CHAPTER CXVII.

### BURLINGTON AND THE WINOOSKI VALLEY.

BY CHARLES S. LORD.

#### COMMERCE AND INDUSTRIES.

HE dream of the ancient world was the discovery of a passage to the Indies by sailing due west from the shores of Europe. One hundred and forty years before the final solution of the question "whether the world was round or flat," by the discoverers Columbus and Cabot, the old Knight of St. Albans, Sir John Mandeville, demonstrated, by a lengthy and learned dissertation, that "the land and the sea are of round shape and figure, and a man might with his vessel sail around the world, above and under it."

In the year 1001 the hardy Norsemen having, fourteen years previously, sighted the shores of the new continent, visited the coasts of Massachusetts and Rhode Island established colonies, and named the beautiful and prolific country "Vinland." These feeble settlements did not long endure the privations of the wilderness, the attacks of savages, the ravages of pestilence, and soon perished.

John Cabot, fourteen months before Columbus had set foot upon the main land, had planted the flag of Great Britain upon the North American continent, and laid claim to nearly all of it in the name of his king. It was then that the nations of the civilized world began to realize the magnitude of this rich, new continent, and to wrangle over its possession; and, until more than a century afterwards, did they cherish the hope of finding the long-sought northwest passage to the Indies, by which the nations of Europe might have unimpeded ocean commerce with the East. Samuel De Champlain, the last of the long line of intrepid mariners who sought for this passage, reached, in the birch-bark canoe of his Indian allies, the most western point navigated by any of these explorers, when he discovered the lake that immortalized his name.

LAKE CHAMPLAIN.—Colonization had begun in different parts of the continent. Champlain established a colony at Quebec in 1608. In 1609 he went in search of the beautiful body of water to the south, of which the Indians had informed him, and reached the Chambly Rapids of the Richelieu river in his two-masted "chaloupe." He found it impossible to proceed farther with the craft, and being joined by a war-party of Algonquins and Hurons, with two daring spirits from his own party, who, alone, were found willing to proceed farther, he pushed forward with the Indians in canoes, and navigated the lake its entire length, meeting with bloody resistance from the warlike Iroquois after entering their territory. There are many evidences that he landed near the present site of Burlington; therefore his was the first white man's foot that pressed its virgin soil.



For more than a century and a quarter, France retained undisputed possession of the lake, and extensive settlements were made at various places. That considerable commerce was carried on between Quebec and these settlements, there is no question. History is almost silent regarding this interesting period. The remains of an extensive village may still be traced at Crown Point, of which there exists no account. W. H. H. Murray, in his "Lake Champlain and Its Shores," says: "There is no doubt that Crown Point was, at one time, not only the centre of a vast aboriginal traffic in skins and pelteries, but also of a large commercial exchange between the French, Dutch and English settlements, of which we have no record. My own belief is that, at one time, the population of Crown Point was not less than five thousand souls."

The first fort erected by the French was that of St. Anne, on Isle La Motte, in 1665, which was the first settlement made on the lake, and it is thought that very soon after that another settlement was made at Colchester Point, near Burlington.

The earliest English map refers to this as "Windmill Point." Here, ruins of various buildings are remembered by people now living. It is well known that the French erected windmills, for the grinding of corn, at various favorable points near every settlement. No doubt, at a very early date, a settlement was made here; and later, during the French and Indian Wars, expeditions were started from this point, and followed up the Onion river, later known as the Winooski, crossing the Green Mountains to attack the English settlements on the Connecticut.

Very soon after the surrender of the territory embracing Lake Champlain by the French to the English, considerable advance was made in the settlement of the rich lands along its shores. However, the long, unjust, and cruel attempt by New York, to seize the territory then known as "The New Hampshire Grants," and dispossess the settlers under these grants of their holdings, which was not finally settled until twelve years after the close of the Revolution, restricted the commerce on the lake, and put a check upon the progress that otherwise might have been made.

No history of the industries and commerce of this section would be complete without a reference to the history and natural environment of Lake Champlain, to which they owe much of their growth and development. The importance of this beautiful and historic lake as an avenue of commerce has not been sufficiently recognized by historians and writers in general. The succession of heroic events which transpired upon its waters and the historic ground that encloses them, from the discovery of the lake until the close of the last war with Great Britain, in 1812, and the great natural beauty of its shores and their adjacent mountains, have caused them to overlook, to a great extent, its value as an artery of trade.

Before the construction of railroads in Vermont and Western New York, Lake Champlain was the avenue of the greater part of the commerce between the inhabitants of these regions and the rest of the world.

Lake Champlain in length, in a straight line from Whitehall, N. Y., to St. John's, P. Q., is one hundred and twenty-six miles, twenty-four of which is in Canada. Its width varies from one-fourth of a mile to thirteen miles. It has a depth of about two hundred and eighty feet, and its surface is about one hundred feet above the sea. It receives the waters from the valley formed by the Adirondack Mountains on the west and the Green Mountains on the east, and discharges them northward through the Sorel, or Richlieu river, into the St. Lawrence forty-six miles below Montreal.

**THE CAUGHNAWAGA CANAL.**—The idea of cutting a ship canal from Lake Champlain to the St. Lawrence, was conceived and advocated by the first promoters of our lake commerce. This would be the connecting link that would complete the

chain of navigation which would enable ocean vessels, and those of the great lakes, to enter Lake Champlain. This project was advocated by Ira Allen, the greatest among the first promoters of the commerce and industry of Vermont, who sought its accomplishment by every means in his power, and who for more than thirty years, used tongue and pen on every possible occasion to awaken interest in it. He submitted a proposition to the British government, in which he offered to construct the canal at his own expense, if it would allow him to collect such tonnage as would secure to him a fair rate of interest on his investment; provided also, that the ships of Vermonters should be allowed to pass out into the open sea, with only a reasonable tonnage at Quebec.

This was one of the enterprises in the interest of which he sailed to England in 1795. He hoped to secure the aid and authority of the English government, necessary for its construction, but he found that country engrossed and burdened with her war with France, and unwilling to consider his propositions. Had not disaster, treachery, and misfortune so cruelly deprived him of his property and position, it is not unlikely that he would have found a way to the accomplishment of one of his most cherished projects.

William Gilliland, who was the leading spirit in the settlement of the western shore of Lake Champlain, and who equalled Allen in the fertility of his genius, and the greatness and liberality of his views, early saw the possibility and advantage of such connection. Before the project of the Champlain canal was ever practically considered, he conceived the idea of a deep waterway from the great lakes and the ocean, through Lake Champlain to the Hudson and New York city. The advantage of this system, not only to this vicinity, but to all of the great system of inland navigation, formed by the St. Lawrence, its tributaries, and the great lakes, was clearly seen by Allen and Gilliland, and its accomplishment remains one of the actively-discussed schemes of the present day.

In 1785, Gilliland wrote to a commercial correspondent: "The region on both sides of Lake Champlain is now a well inhabited country, and the lands amazingly advanced in value, even at present. How much more valuable will they become when an inland navigation will be made from sea to sea, which it is expected will be completed *in less than two years from this time?*" One hundred and fourteen years have passed and the project is still advocated, but only a little nearer realization than then.

The cutting of twenty-five miles of ship canal from the St. Lawrence at Caughnawaga, on Lake St. Louis, to Lake Champlain, and the deepening of the Champlain canal, would open the way from sea to sea through Lake Champlain, and afford an outlet from the great lakes to New York for vessels laden at Chicago, and other lake ports. That this would be of immense advantage to Burlington and the entire state is undoubted. As the principal lake port, and a distributing point for a large area, the importance of Burlington would be greatly increased. It is to be hoped that the time is not far distant when the European steamer and the "whaleback" of the great lakes shall anchor side by side in Burlington harbor, and that vessels laden with the products of the far west, and of foreign lands, may find an uninterrupted passage from shipping-point to destination, through the waters of beautiful Champlain.

One barrier to the accomplishment of the Caughnawaga canal project is the opposition of certain Canadian commercial interests, particularly those of Montreal; although it is an open question whether that city would not derive as much benefit from the ocean traffic directed towards this inland water-way to New York, as she

would lose of the lake shipments diverted in that direction, especially since, by the construction of lake steamers that convey their cargoes direct to European ports, she has already lost considerable of the benefit that she formerly derived from the lake trade.

Lake Champlain is only twenty-nine feet above the St. Lawrence at Caughnawaga on Lake St. Louis. One of the proposed routes would be about thirty-four and one-half miles long, with Lake Champlain at its summit level as a feeder. Another of twenty-five and one-half miles in length would have its summit thirty-seven and one-half feet above Lake Champlain, with a feeder from the St. Lawrence; a third route, thirty-seven and one-half miles long, would connect Lake Champlain with the Beauharnois canal, of which it would, in a manner, form a branch.

The Caughnawaga route is the one that has received the most attention, and its northern terminus is directly opposite the mouth of the Ottawa River. This is also the entrance to the proposed Ottawa and Huron Canal. Mr. Thomas H. Canfield, one of Vermont's most distinguished sons, and who for many years was identified with the mercantile and commercial interests of Burlington and Vermont, was an earnest advocate of this scheme, and inspired so much interest and enthusiasm through his efforts at one time, that its accomplishment seemed almost assured. Mr. Canfield was early engaged in mercantile pursuits. He was a member of the firm of Bradley & Canfield, who succeeded Follett & Bradley in the "old stone store" in Burlington. This firm constructed the Rutland and Burlington and the Rutland and Washington Railroads. The latter, known as the "Eagle Bridge route," was afterwards far-famed for its elegant and efficient service through Mr. Canfield's management.

Mr. Canfield was the promoter of several systems of lake commerce, and for years was treasurer of the Lake Champlain Transportation Company. The crowning work of his life was the construction of the Northern Pacific Railroad, one of the most important transcontinental lines in the United States, with its western terminus on Puget Sound. From the foundation of the first syndicate formed to make surveys, to the completion of the road, Mr. Canfield was the active and moving spirit. His death occurred January, 1897, at his ranch in Lake Park, Minn., and his interment was at Rock Point, in Burlington, near the beautiful spot which, though absent at times for years, he always claimed for his home.

LAKE COMMERCE.—Aside from the bateaux, so constantly referred to in history as being extensively used on Lake Champlain, as well as on the Hudson and St. Lawrence rivers, and which were propelled by oars or sails, or both, few sailing vessels were seen upon the lake previous to 1783.

In 1749 the Swedish naturalist, Kalm, visited Fort St. Frederick at Crown Point, in a yacht, or sailing vessel, which made regular trips between that place and St. Johns. This was the first sail, properly so-called, seen on Lake Champlain, of which we have any record. It is related that, in 1756 Major Robert Rodgers, an English scout from the army of Johnson, secured two French schooners laden with wheat, rice flour, rum, brandy and wine, not far from Shelburne, which he ran to the west side of the lake, and sank, with their cargoes, after appropriating and burying a quantity of the liquors.

In 1770 Major Skeene, of Skeenesborough, now Whitehall, built a small sloop to accommodate the business which was springing up between the settlements on the borders of the lake, and Canada. This made regular trips through the lake, until the Revolution stopped all commerce, and navigation was controlled and used solely for military purposes.

After the close of the war and the settlement of the dispute with New York, it



became evident that a trade could profitably be established with Troy, Albany, and New York, by the way of Whitehall.

Gideon King, Job Boynton and Benj. Boardman, began to build boats, and established a wide reputation as pioneers of navigation on Lake Champlain. One of King's four sons was known far and wide as "Gid King the Admiral of the lake," and was the controlling spirit of navigation on the lake for many years. Benj. Boynton employed a boat builder from New London, Conn., to build a sloop, which was constructed near the falls of the Winooski river, from whence it was floated down to the lake. This sloop plied between Burlington and Plattsburg for many years. It was superior in design and served as a model for many vessels which were soon after constructed.

In these days Burlington, because of its favorable location at the widest part of the lake, and at the head of Burlington Bay, was the natural center of lake commerce. At first there were no wharves, save a few logs chained to the shore, and vessels discharging their cargo heaved overboard the barrels of pork, rum, and molasses, to be floated ashore, while other articles of merchandise were landed by an old scow, named the "Old Lion," run by Richard Fittock, who also owned large storehouses, situated near the lake shore.

For ten years previous to the construction of the Champlain canal, the connecting link in the commercial chain that extended from Burlington to New York, between Whitehall and Troy, sixty-four miles, was made by Richard T. Hart, of Troy, who kept a train of wagons on the road, transporting, slowly and tediously, merchandise and passengers.

In October, 1817, Ezra Smith and Mr. Wheeler began the construction of the Champlain canal, and the same day that witnessed the opening of the Erie canal also celebrated the joining of the waters of Lake Champlain and the Hudson by the Champlain canal. "The Gleaner" was the first boat to pass through it, and its arrival in Troy in 1823 was the occasion of a great celebration. It was eclipsed, however, by the ovation which the little vessel received on its arrival in New York. One of the great poets of the day dedicated to it a poem in which he called it the "Barque of the Mountains."

For a quarter of a century, before the opening of the canal, Admiral King and his associates held control of the lake and its transportation business, but in later years a new rival appeared in the steamboat, which was eventually to materially change the carrying trade of the lake.

Burlington has the honor of constructing the second steamboat ever built for practical navigation.

In 1807, Robert Fulton made his historic first trip upon the Hudson in his steamboat, the "Clermont," and in 1808, there was launched at Burlington, Vt., the steamboat "Vermont," which commenced navigating the lake in 1809, just two hundred years after Champlain had entered upon its waters, in a bark canoe. The owners and builders of this boat were two brothers, James and John Winans. It was built under an oak tree on the shore of Burlington Bay, and, like the "Great Eastern," was launched, sideways, into the sand, where she lay for a long time, until, by the assistance of their neighbors and repeated applications of a "spirit" that was not only "ardent," but abundant in those days, she was transferred to her future element. This boat was one hundred and twenty-feet long, twenty feet beam, one hundred and sixty-seven tons burden, with an engine of twenty horse-power. She was built without guards, with a flush deck, similar to a large class canal boat. Her decks were clear, having no pilot house, the boat being steered by a tiller, and her engine was a

horizontal one, all under deck, with only the smoke-pipe appearing above. It was constructed with a twenty-inch cylinder having a three-foot stroke, a "side lever bell crank," with a large balance wheel, ten feet in diameter. Owing to the defects of her construction and machinery, she was constantly liable to break-downs, but under favorable conditions she attained a speed of five miles an hour. She ran between Whitehall and St. Johns, making a round trip about once a week. During the War of 1812, her regular business was largely interrupted, and she was employed mainly in transporting troops and military supplies. After the close of the war she resumed her regular trips until October, 1815, when they were cut short, forever, by an accident by which the connecting rod became detached from the crank on her engine, and it was forced through the bottom of the boat, causing her to sink near Ash Island.

The construction of steamboats on the lake soon created an active competition for the carrying trade and passenger traffic.

The Lake Champlain Steamboat Company was chartered by New York in 1813, and built the ill-starred "Phoenix," which was burned Sept. 5, 1819, on her passage from Burlington to Plattsburg, causing the death of six persons. This is the only wreck or conflagration of any vessel on Lake Champlain causing loss of life. After this, the "Champlain" was constructed by this company, but was shortly afterwards burned to the water's edge while lying at her dock in Whitehall. The boat "Congress" was built at Vergennes in 1818, and the second "Phoenix" at the same place in 1820. This boat attained the reputation of being the fastest in the world. In 1826, the Champlain Transportation Company received its charter, which was granted to Ezra Meach, Martin Chittenden, Stephen S. Keyes, Luther Loomis, Roswell Butler, and Eleazar Denning, for the purpose of "transporting by use of tow boats or otherwise, passengers, goods, wares, merchandise, or any other property, on Lake Champlain." The first boat of this company was launched in 1827. It was called the "Franklin," and was superior in model, construction and finish to any previously launched. In 1828, the following steamers plied on the lake: "Franklin," "Washington," "Phoenix," "Congress," "General Green" and "McDonald." At this time competition was sharp between the Champlain Steamboat Company and the Champlain Transportation Company, but a traffic arrangement was completed between the two companies in this year to their mutual advantage, and which ended in their consolidation in 1833. In 1848 the Champlain Transportation Company established a daily line each way through the lake, running four boats. This company, through its long period of existence, has been noted for its active and aggressive policy, and has continued to thrive in spite of competition of sailing vessels, canal boats, and railroads encircling the lake. Colonel LeGrande B. Cannon was president of this company for more than thirty years, and much of its success is due to his vigorous and far-seeing management.

LAKE CHAMPLAIN AND THE LUMBER TRADE.—After the close of the Revolutionary War, Lake Champlain became the principal avenue of commerce between the settlements along the lake and Canada. An immense quantity of pine and oak timber was cut in the forests that skirted the shores of the lake and along the banks of the larger rivers, and floated in rafts, by means of jury-mast and sail, down the lake to its outlet, thence by the Richelieu and St. Lawrence rivers to Quebec, there to be shipped to Europe. Many of the masts and spars for her royal navies were procured by England from the forests in this vicinity. Indeed, most of the rafts were made up just below Winooski Falls, about seven miles from the mouth of the river, adjacent to the city of Burlington.

The first raft of oak timber was taken to Quebec by Steven Mallett in 1794. He

was one of the earliest settlers, and gave his name to the beautiful bay on whose shores he built his home. The first raft of Norway pine floated down the Richelieu two years later, and was owned by John Thorp, of Charlotte. The names of the principal dealers who shipped lumber to Quebec market are : Ira Allen, Stephen Mallett, Benjamin Boardman, Henry Boardman, Amos Boardman, Ebenezer Allen, Wm. D. Woods, Samuel Holgate, Judson Lamson, Joseph Clark, Thaddeus Tuttle, Guy Catlin, Ezra Meach, Dan'l Hurlburt, Nathaniel Blood, Wm. Munson, Wm. Hine, Hezekiah Hine, Jacob Rolfe, Allen Hackett, David Bean, Heman Allen, James Miner, Samuel Holgate, Jr., Maj. Lyman King and Roswell Butler.

About 1823, on the opening of the Champlain Canal, much of the lumber trade was diverted to the markets of Troy, Albany and New York, and the canal-boat and schooner began to replace the cumbersome and dangerous raft.

To construct a raft and convey it safely to its destination required nearly a year. After the labor of cutting and hauling to the river or lake shore, the unwieldy monster formed by the aggregation of logs and timber, required to be securely bound and fastened together, to safely stand the rude attacks of lake storms, and the severe wrestle with the rapids of the Richelieu river. On completion of the raft, the men with their tents, provisions, and cooking utensils, started on their long and tedious journey to Quebec.

On the opening of the Champlain canal considerable lumber found its way to cities along the Hudson, and to the New York market by means of these unwieldy rafts, but this method of transportation was gradually superseded.

Samuel Brownell, of Williston, who dealt largely in lumber and operated saw-mills at the "Little Falls of the Winooski," in Essex, in connection with Messrs. Follett & Bradley and Justus Burdick, of Burlington, made direct shipments of lumber in their own boats from Burlington to Troy, Albany and New York.

Rafting did not entirely cease, however, until 1835, and by 1843 the exporting of lumber by boat from this vicinity had nearly ceased. By this time the noble pines and giant oaks that had formed the magnificent forest domain, which was limited only by the lake on the west, and the crests of the Green Mountains on the east ; which had been the Indian's pride and the source of wealth to the earlier settlers, had nearly all fallen victims to the lumberman's axe.

It then seemed that the lumber trade had ceased to form any appreciable part of the lake commerce. But such was not to be. Vast forests of rich timber in Canada and the West were scarcely touched, and it needed but the removal of the natural barriers to navigation in the Richelieu river, and the opening of the railroad from Burlington to the New England markets, to cause Burlington to again become the centre of a large lumber trade.

In 1843 the canal around the Chambly Rapids in the Richelieu river was completed, and the system of locks and dams at St. Ours was finished in 1851.

Burlington presented superior facilities as a lumber depot. The enclosing harbor of Burlington Bay ; the flat crescent of its shore, offering superior facilities for docks and yards ; and the central location on the lake at the only spot where rail and water communication joined, caused the stream of lumber trade to revive, and it again began to flow in the same channel as of old, but in *an opposite direction*.

The first cargo of lumber from Canada for the eastern market was brought by G. L. Bigelow, Esq., in 1850. He, together with Enos Peterson, continued in business until 1855. C. Blodgett & Son, of Waterbury, next engaged in the lumber trade. About this time the St. Maurice Lumber Company commenced shipping their lumber here, and continued for two or three years.



In 1856, Lawrence Barnes opened a lumber yard, and, soon after, he and his partners added planing and dressing of lumber to their business. In 1860 the sales from the Burlington lumber market amounted to 40,000,000 feet. In 1882 it amounted to 117,000,000 feet. In 1895 it had dwindled to about 30,000,000 feet.

Much of the lumber is brought from Canadian mills unsorted and in a rough state. At Burlington it is sorted to meet the requirements of trade, and shipped in consignments, destined for home and foreign markets, without further classification. Thus, a ship bound for Sidney or Liverpool would load directly from the car shipped from Burlington, and might include in her cargo anything, from square deal to knocked-down bureaus, or from spools and checker-men to hand-carved, hardwood, inside finish costing twenty dollars per foot for wainscoting, all produced in the shops and mills of Burlington and vicinity.

At one time, Burlington ranked third in importance as a lumber market in the United States. For several years this part of her business has greatly declined, and unless the lumber kings of the north shall discover new worlds of forests to conquer, and share their spoils of conquest with Burlington, this branch of commerce and industry is doomed to gradually dwindle to still lesser importance. This falling off in the lumber trade is due largely to the establishment of all-rail connections from the Canadian mills to the Boston Market, permitting of winter shipments and avoiding the necessity of reshipment.

Among the names closely identified both with the lumber interests and with the growth and development of the city of Burlington, that of Lawrence Barnes stands first. To him is ascribed the credit of doing more than any other man, to rescue Burlington from a threatened decline in importance, at a time when the coming of the railroads and the cutting off of the export lumber trade had well-nigh ruined her commerce. Previous to the opening of the Vermont Central and Rutland Railroads Burlington had been the distributing point for a large part of Northern Vermont, receiving her merchandise in cargoes from New York.

Many of the merchants were greatly embarrassed by the decline in business. Mr. Barnes made large purchases of lumber at Three Rivers, Canada, which he caused to be shipped to Burlington by boat, for distribution by rail. He conceived the idea of dressing the lumber here, effecting a saving in freight expenses, and imparting a new impulse to industry and trade.

THE SKILLINGS, WHITNEY, & BARNES LUMBER COMPANY succeeded to this business, which during the intervening time underwent several changes in business connections. Mr. Barnes was actively interested in the affairs of this company from its formation, and from 1880 until within a short time of his death in 1886 was president of the company. He was a self-made man, a broad-minded, liberal and public-spirited citizen, and in him the working men found a true friend. On the day of his funeral the large manufactories of the city were closed in honor of his memory, and the workmen turned out in a body to follow his remains to their last resting place. No man connected with the commercial life of Burlington had more to do with promoting its best interests; and none has contributed more to its character and growth.

The lumber business of to-day and for some time past has been carried on by five large firms owning many acres of piling ground, thousands of feet of docks and slips and large mills and shops occupying the larger portion of the water-frontage of the city.

The Burlington office of the firm of Skillings, Whitneys and Barnes Lumber Company was under the able management of D. W. Robinson. This concern had mills at Tonawanda and Ogdensburg, N. Y., and its general office was in Boston.

On March 1st of the present year, 1897, the Robinson-Edwards Lumber Co. purchased the business and good will of this company. The parties interested in this deal are Daniel W. Robinson, the manager of the retiring concern, W. C. Edwards & Co., who are large lumber manufacturers of Rockland, Ontario, and who are among the largest owners of the timber lands of Canada, Dr. W. Seward Webb, of Shelburne, Col. E. C. Smith, of St. Albans, and Clarence L. Smith, of Burlington. Mr. Robinson has been connected with the business since 1864 and its past success and the present enlargement are gratifying evidences of his business sagacity and ability.

THE SHEPARD & MORSE LUMBER COMPANY whose office in this city is in charge of A. K. McIntosh, has mills in Ottawa and East Saginaw, Mich., and offices in Boston and New York.

The wholesale manufacture of lumber by JOHN R. BOOTH, of Ottawa, was begun in the spring of 1876 by U. A. Woodbury, his manager. In addition to the large lumber business, the manufacture of boxes, sash, doors and blinds grew to large dimensions under his management.

In January, 1895, ex-Governor Woodbury retired from the control of the business, which has since been under the direction of Mr. E. J. Booth, brother of the proprietor.

In 1872 the firm of BRONSON, WESTON, DUNHAM & Co. erected buildings for planing and sawing lumber. This firm was succeeded by H. Hickok & Co., who confine their business largely to the manufacture of packing-boxes.

The firm of W. & D. G. Crane was established in 1858, the senior partner having come to Burlington in the winter of 1855 and 1856 to operate for Mr. Barnes the first dressing machines in town. These gentlemen have been longest engaged in the lumber business, without change of firm-name, of any in the city, and were associated with large enterprises in connection with the lumber business in Muskegon, Mich., Natick, Mass., and Vergennes, Vt.

THE PORTER MANUFACTURING COMPANY, making screen-doors and window frames, have recently greatly enlarged their business and erected mills at Winooski, Vermont.

THE BALDWIN REFRIGERATOR COMPANY produce large quantities of the Baldwin dry-air refrigerators, which are extensively used throughout the United States.

THE VENETIAN BLIND COMPANY has greatly increased its capital and business since its organization in 1884, and has a large export trade in addition to the home demand.

THE CHAMPLAIN MANUFACTURING COMPANY are also large producers of boxes, and have lately engaged in inside finish and doors, sash and blinds.

E. A. POPE & COMPANY produce boxes of all kinds, and make a specialty of small boxes for salt, etc.

There have been numerous other firms engaged in the manufacturing of doors, sash, blinds, cloth boards, spools, bobbins, and many small articles, turned from both hard and soft lumber.

Through the courtesy of General W. L. Greenleaf, deputy collector of customs in charge of the United States Custom House at Burlington, Vt., we give the following statistics of the lake commerce for the years of 1890, 1891, 1894 and 1895.

## BURLINGTON, VT., ARRIVALS AND DEPARTURES OF VESSELS DURING SEASONS.

	1890.				1891.			
	Arrivals.		Departures.		Arrivals.		Departures.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
From and to Lake ports . . . . .	1449	588,505	1440	587,705	2057	581,848	2072	580,826
From and to Canadian ports . . . . .	180	23,304	147	20,542	116	15,868	106	14,323
	1629	611,809	1587	608,247	2173	597,716	2178	595,149

	1894.				1895.			
	Arrivals.		Departures.		Arrivals.		Departures.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
From and to Lake ports . . . . .	1780	569,689	1786	569,756	2267	558,406	2152	556,225
From and to Canadian ports . . . . .	110	13,771	102	13,025	118	15,847	106	15,337
	1890	583,460	1888	582,781	2285	574,253	2258	571,562

## MERCHANDISE RECEIVED BY WATER.

ARTICLE.	1890.		1891.		1894.		1895.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Lumber . . . . ft.	36,253,374	\$409,505	22,250,736	\$221,029	18,408,531	\$180,844	23,175,000	\$240,671
Pickets . . . pcs.					732,162	5,948	2,570,000	12,665
Lath . . . . pcs.	5,210,700	6,411	5,327,600	6,719			2,574,600	3,911
Shingles . . . pcs.	4,009,500	5,662	2,469,750	4,115	1,360,000	1,735	118,000	208
Railroad ties . .			11,866	2,333	4,000	1,200	3,000	900
Iron pipe . . . tons					1,250	29,375	125	3,500
Stone . . . . tons					10,172	9,000	30,916	20,360
Gravel . . . . tons					660	343	4,959	2,500
Hay . . . . . tons					700	8,400	600	7,200
Sand . . . . . tons					878	250	308	100
Lime stone . . . tons					570	2,500		
Cedar posts . . pcs.					1,900	228		
Brick and tile . pcs.					100,000	600	44,000	250
Beans . . . . bush.					900	1,800	600	1,200
Oats . . . . . bush.					2,000	700	1,500	450
Apples . . . . bbls.					1,000	2,500		
Fire wood . . . cords					275	825	50	100
Timber, hard pine, ft.					110,000	2,750	25,000	625
Coal . . . . . tons	95,000	\$380,000	109,800	439,200	43,000	193,576	67,883	305,473
Gen. mdse. . . . tons	75,000	600,000	78,460	630,859	22,950	1,110,000	25,500	1,250,000

Lumber imported into Burlington during year 1882 amounted to 117,484,000 feet, valued at \$1,409,808. Since 1882 the quantity imported has fallen off very materially.



THE SETTLEMENT OF THE WINOOSKI VALLEY.—As early as 1772, Ira Allen, a young man barely twenty-two years of age, his uncle, Remember Baker, and three companions, came from Skeensborough, now Whitehall, in a row-boat to the falls of the Onion river to explore the country. He encountered a New York surveyor and his party, whom he promptly made prisoners, and, the following morning, a party of thirteen Indians and six white men came up the river, whom he disposed of by pacifying the Indians and capturing the white men, who were hated officers from New York, and whom he set free on promise to never enter the country again. The following spring, in spite of the adverse criticism of his friends for selecting such a location to settle, Ira Allen, accompanied by Remember Baker and his family, came again to Winooski Falls, and there erected a block-house or fort for protection against the Indians and New Yorkers, which they named Fort Frederick, a substantial building of two stories, containing thirty-two port holes in its upper story, and located just east of the present highway bridge on the north side of the Winooski River, between the upper and lower falls.

The next year they cut a road through the wilderness to Castleton, seventy miles away, and Allen, with great business ability and energy, proceeded to develop the country that he had almost literally taken possession of. It is a well-known fact that soon after his removal to this section he acquired possession of more than 300,000 acres of the finest land in Vermont or any state, lying for the most part along the lake shore, between Vergennes and the Canadian Line, and covered with magnificent forests of oak, Norway pine and white pine.

Many of the early settlers came from towns in Connecticut, and among them none were more talented, and none took a more important part in the affairs of the New Hampshire Grants and the state of Vermont, than the Allen family. By some, it has been thought that Remember Baker, who came to a tragic death early in the Revolution, was the most able of the three members of this distinguished family, whose names are so inseparably connected with the early history of the state. He, having erected mills at Arlington and Pawlet, and being by trade a millright, was, no doubt, to have erected the mills which his nephew, Ira Allen, located at Winooski Falls after the close of the war.

At the outbreak of hostilities between Great Britain and the colonies, there were about forty families in this locality, nearly all of which removed to settlements farther south for safety. After the close of the war, most of them returned, and among them Ira Allen, who built a dam at the upper falls of the Winooski in 1783, and erected saw-mills on each bank and a grist-mill, also two forges and a furnace, where iron ore brought from Crown Point was converted into mill-irons, forge-hammers and anchors. This is the earliest attempt at manufacturing in this vicinity of which we have any record; and thus early the value of the water-power privileges of the Winooski river was recognized and utilized by the greatest promoter of the industrial and commercial interests of the early colonists of this section of the state. We might well say also, the greatest among that brilliant and heroic galaxy of statesmen and patriots who organized, defended and sustained the state amid the most trying and dangerous times ever experienced by any commonwealth.

Allen proceeded with energy to develop his great possessions and to boom this locality in a manner supposed by many to be known only to the modern land speculator in our western domains. He established a ferry above the mills at Winooski Falls, and built a schooner on the river below. At various points he erected saw-mills, until in 1795, he had seven at different locations in this vicinity, thus becoming active in the lumber business, which for many years was the leading industry of this section.

In many ways the settlement and development of this region was stimulated by the genius of this man. He erected his first residence, a commodious two-story mansion, in what is now the business portion of the village of Winooski; here the first town meeting was held after the organization of the town.

General history seems to have given scant credit to this younger brother of the gallant Ethan Allen, but the student who follows the history of these puny settlements to the establishment of the independent state, Ira Allen appears almost as the creating and controlling force. He was a member of all the conventions of the New Hampshire Grants. He was one of the framers of the Constitution of the New State, a leading member of the council of safety that carried the state through the trying campaign of 1777, treasurer and surveyor-general of the state for many years, agent many times to the Continental Congress, the principal manager of the negotiations with General Haldimand, in which, by the rarest diplomacy, he was entirely successful in holding a British force of ten thousand men inactive for three campaigns on our northern borders; always a loyal, patriotic, and courageous citizen, and a fearless, progressive, and active man of business. Through his generosity and persistent support Burlington secured the University of Vermont. Allen subscribed £4,000 for its establishment.

It is with sorrow and shame that we read of his ungrateful and treacherous treatment at the hands of citizens of the state which his genius had helped to form, in dispossessing him of his property, while he was absent defending his rights in the tediousness of an English Court of Admiralty; and in following him with such persecutions on his return that he was compelled to spend his old age an exile, in a distant state, and to die in obscurity and poverty.

The Winooski river, originally called Onion river, rises in Caledonia county, about 1000 feet above the sea; and its waters fall nearly 900 feet before they reach the level of the lake. The Winooski valley is a break in the Green Mountains, between the two loftiest peaks, Mount Mansfield, 4278 feet, and Camel's Hump, 4183 feet, the latter called by the early French explorers by the apt and poetic name of *Lion Couchant*.

This valley is composed of a succession of basins, between which the spurs from the opposite mountain sides are only cleft by the narrow passage of the river. It would seem evident that at some remote period, these basins were the beds of a chain of mountain lakes, whose waters dashed from the upper to the lower levels until they reached the calm waters of Lake Champlain. At three points in particular it would require the construction of very short dams across deep and rock-ribbed canyons, to create great reservoirs that would furnish many thousands of horse-power, and which may lead to the building of large manufacturing cities at some future period.

At "the Gorge," near Winooski, the water rushes and tumbles along a channel worn down through the solid rock ninety feet, while along the stream above, rich interval farms are located on what was once the bed of an extensive lake.

At Bolton Falls, the water has torn its way, by a narrow and tortuous passage through the rocks, and, in one place, it dives beneath a ledge, which forms, at low water, a natural bridge.

At Middlesex narrows there has recently been built a dam and power-house from which Montpelier, the capital of the state, is supplied with a part of its electrical lighting and power.

At the lower part of the "the Gorge" at Winooski, a dam has been erected by the Vermont Electric Company, together with a power-house in which is installed

large electric generators, that supply power and commercial and municipal lighting to Burlington and Winooski.

This dam utilizes only a portion of the fall and storage privileges, which the peculiar formation of the valley at this point affords. Besides these three notable falls there are several other lesser ones above the principal falls of the river at Winooski. At Montpelier, machine shops, granite shops, saw-mills, and some other kinds of manufacturing, utilize the water-power obtained from the river at this point. There are also saw-mills and grist-mills at the village of Middlesex, six miles below. At Hubbel's Falls, between Williston and Essex, known as "the Little Falls of the Winooski," a dam was erected by Abraham Stevens in 1804, and a stone grist-mill was built there by John Johnson in 1819. Various industries have been operated here, including large saw-mills, paper-mills, spool and bobbin factories, etc. Many saw-mills, tanneries, tub factories, shingle and clapboard mills and some other kinds of manufacturing are located on the numerous tributaries of the Winooski river that rush down the steep valleys between the spurs of the Green Mountains.

The greater development of the water-power of the Winooski river, and the erection of manufacturing cities, equal to Lowell, Lawrence or Concord, only await the coming of the capitalist and the engineer. Far better would it have been for many of the investors and "promoters" of this state if the capital and energy expended in developing western "booms" had been applied to utilizing the natural advantages and resources that lie at their very doors.

The best developed of the water-power privileges on the river is that of Winooski Falls. As elsewhere mentioned, the first dam was erected at the upper falls by Ira Allen in 1783, and the power was utilized in running saw-mills and grist-mills. It is related that not long after the erection of the first dam at the place above mentioned, a freshet carried it away, much to the disgust of its builder. He immediately set to work with characteristic energy to rebuild it, and resolved to reconstruct it so strongly as to avoid a repetition of the disaster. When completed, tradition states, he turned, and, shaking his fist at the river, thus addressed it: "There! Old Onion, I defy you to move *that* dam for forty years." But little more than forty years had elapsed when the memorable freshet of 1830, which swept buildings and bridges and dams before it, tore out the northern end of this dam, as well as the upper section of the highway bridge below. The southern end of the dam, however, was left intact and still remains a part of the present structure, and at low water the ancient timbers, that have done duty for one hundred and thirteen years, may still be seen.

A dam had been constructed at "the Gorge," about a quarter of a mile above Winooski Falls, and mills erected, known as "Brewster's Mills," previous to 1830. Here was located a saw-mill, and a small woolen mill for custom work, but these were all carried away by the angry torrent that swept the Winooski valley at that time.

Various small industries were added to those inaugurated by Ira Allen, and in 1838 there were at the upper falls on the Burlington side of the river, saw-mills, a satinet factory, a paper-mill and a tackle block factory, all of which were consumed by fire, December 21, 1838. This fire was undoubtedly of incendiary origin.

As much of the commerce of the world at this time was carried by sailing-vessels, a large number of tackle-blocks were required in their rigging, and the making of them by hand sustained a considerable number of workmen, who fought the introduction of labor-saving machinery. The competition of the mill at Winooski interfered seriously with their business; and, it is suspected, that the fire which consumed this mill was set by one of the craft, who was sent here for the purpose. The



destruction by fire of another mill, which was afterward erected in Canada by the same parties who owned the one at Winooski, is supposed to have been accomplished by the same enemies of this industry.

In 1835 the BURLINGTON MILL COMPANY was organized, under charter passed by the legislature of the state of Vermont, November 10th, of that year. Samuel Hickok was the first president, and Carlos Baxter the first secretary; the other organizers of this company were: Luther Loomis, Henry Mayo, George Moore, Philo Doolittle and Sidney Barlow. This company secured the title to all of the water privileges on the Colchester side of the river, at both the upper and lower dams, together with most of the land between Allen street, in Winooski village, and the river. In 1836 the directors built a saw-mill at the upper dam. At this time a canal was surveyed, and factory sites laid out, which involved the cutting of a canal, from a point above the upper dam nearly to the present railroad bridge, and the erection of several large mills. This project, although entirely feasible, was never carried out. The main building of the present woolen-mill was erected in 1837. A foundry, and a machine-shop and plaster-mill were established near the upper dam in the previous year. These enterprises added largely to the growth and importance of the village. The woolen-mill contained fifteen sets of cards, and manufactured, principally, doeskins and broadcloths. The product of the mill was conveyed to the Boston market by freight teams, and the wool, dye-stuff and supplies were obtained by the same slow, costly and tedious means of transportation.

The operatives in this mill were from the surrounding towns and villages, and many were from the "best families" of the communities where they lived. Many a business man and "lady of high degree," maybe in far western cities, can recall days of labor in the large woolen mill at Winooski. A relief from the tedium of isolated life, many sought employment in the mill for its opportunities of social intercourse and enjoyment. Fourteen hours constituted a day's work.

The results of this enterprise proved somewhat disastrous to its original promoters, and in 1853 the firm of Harding Brothers succeeded in control. In 1862 the present Burlington Woolen Company was formed and received its charter. Mr. F. C. Kennedy, who was the efficient agent during the latter part of the ownership of the mill by the Hardings, was elected secretary and agent of the new corporation, which position he has filled continuously to the present time.

During this long period, the capacity of the original mill has more than doubled by enlargements and improved machinery. The Colchester mills were erected in 1880 for the manufacture of fine knitting yarns, with a production of nearly two million pounds per year, and the Winooski worsted mill was built in 1896 with one hundred and two fancy jacquard and dobby worsted dress-goods looms. THE BURLINGTON FLOURING COMPANY, whose mills are located on the Burlington side of the river at the lower dam, is composed of the same individuals as the above, and is under the same management.

The value of the output of this large aggregation of industries is about \$1,800,000 annually, and the wages paid are over \$250,000, when running full, forming a very important factor in the business life of this vicinity, and as a whole, the most important manufacturing plant in the state.

HON. F. C. KENNEDY, a sketch of whose life, and portrait appears in another part of this volume, has had the management of these mills for nearly forty years. The great development of these industries and the enviable reputation of their products, as well as much of the material growth and prosperity of the village, are lasting evidences of his foresight, executive ability and indomitable energy. In

addition to the management of these large corporations, Mr. Kennedy has been actively interested in numerous other important enterprises, among which are several electric roads in various parts of the state. Of three of these organizations, he holds the office of president.

THE BURLINGTON WOOLEN COMPANY produces a considerable portion of the fine indigo blue uniform cloths, used in this country in uniforming policemen, railway employees and other public officials, besides manufacturing the finest quality of all-wool beavers, kerseys, cloakings, fancy cassimeres, etc.

THE COLCHESTER MILLS supply yarn to knitting-mills in many parts of the country for hosiery and underwear purposes, made from the choicest American, Egyptian and Peruvian cotton, in white, colors and mixtures, both combed and carded. They have originated and developed a peculiar line of novelty yarns, having sanitary properties, which are much sought after.

THE WINOOSKI WORSTED COMPANY manufacture ladies' worsted dress goods, equal in design and finish to any of the elaborate novelties imported from Paris.

THE BURLINGTON FLOURING COMPANY, located on the Burlington side of the river, once did an extensive milling business, and produced two hundred barrels of flour per day. After the phenomenal development of western milling this business was abandoned, and for many years little manufacturing has been done, save custom work. In the basement of these mills are located the electric generators that furnish power for the two electric roads, the Burlington Traction Company and the Military Post Street Railway Company.

THE PERFECTION OVERGAITER COMPANY utilize a portion of the same building.

One of the oldest industries at the upper dam at Winooski is that of EDWARDS, STEVENS & Co., who do general machinery repairs, construct wood-working machinery and engines and run a large foundry, a plating establishment, etc., besides leasing room and power to other manufacturing enterprises. There has been manufactured here knit goods, chairs, general furniture, doors, sash and blinds, spokes, axe-helves, etc. In the year 1887, the firm of MASON & COMPANY, removed their works from Lebanon, N. H., and occupied the large and well-equipped mill erected by the Winooski Lumber Co. for the use of the Walker & Hatch Lumber and Manufacturing Co. They manufacture a superior grade of hardwood, inside finish, which they supply contractors in large cities. They employ nearly one hundred skilled workmen. Their principal market is in New York city. They received the entire contract for the inside wood work on St. Luke's Hospital, on which fifty skilled workmen were engaged for two years at the shop and twenty-five more at the building. Some of the most artistic and costly hand-carved wainscoting in New England is the product of their artists in wood-carving.

The first cotton mill established in this vicinity was in the year 1845. It was located at the lower dam on the Burlington side, and was burned, together with the oil mill and grist mill, operated at the same place, in the year 1852.

The firm of Tobey & Catlin succeeded to the business of the Winooski Lumber Company, running the saw mills at the upper dam, and doing a general lumber business. This firm also operates the lime-kilns owned by Mrs. H. Weston.

A large factory was soon after built at the upper dam, of which H. W. Barrett, Esq., of Winooski, was for many years agent and manager. On February 21, 1891, these mills were totally destroyed by fire, but the present company, under the efficient management of J. H. Gates, as president, rebuilt the mills and equipped them with the most modern machinery. This company owns a large mill in Burlington

which operates 800 looms, the spinning for which is done at the mills located at the falls, with 31,000 spindles.

GENERAL MANUFACTURING INTERESTS OF BURLINGTON.—Other manufacturing interests in the city of Burlington, aside from those connected with the lumber trade have contributed largely to the growth and accumulation of wealth in this vicinity. In the earlier days, manufacturing plants were small and of the rudest kind, and were constructed to meet the demand of the immediate neighborhood in which they were located.

The division of labor had not been developed to its present degree. For many years after the first settlement of the country many families made all of the cloth required for clothing and domestic purposes.

The life of the early settler's family was one of active and unremitting toil, and the efforts of all of its members were required to supply its simplest necessities. Nails were made by the village blacksmith; shoes by the itinerant cobbler, who patched and cobbled by the kitchen fireplace, and entertained the family by gossip and stories, for a short period each year. The practice of his trade was called "whipping the cat."

Numerous tanneries were early erected. The largest in the county was that of Horace Loomis, on Pearl street, which was built about the year 1796.

The manufacture of pot and pearl ashes in connection with the clearing of the dense forests from the lands of the settlers, amounted, in the aggregate, to an industry of considerable importance until the forests had nearly all been cleared away.

Distilleries were abundant in these early days, there being two in Burlington about the year 1800. One located near Winooski avenue was owned by Daniel Stamford, who manufactured a famous grade of gin; another distillery was operated farther north on Pearl street by Loomis & Bradley.

Samuel Hickok built a brewery on the west side of Champlain street, which was afterwards burned. It was later rebuilt in 1837 by George Peterson, and for many years brewed ale at the rate of fifteen hundred barrels per annum.

A story is told of one of the good deacons of the early days, who had just completed the erection of an establishment for distilling gin. The following Sunday, during service, he so far allowed his thoughts to dwell on material things, that he figured up the cost of his new enterprise on the fly-leaf of his hymn-book.

The manufacture, sale and consumption of liquors was large, and their use well nigh universal.

Aside from the lumber business, but little manufacturing was done, however, until the year 1827, when the CHAMPLAIN GLASS COMPANY was formed. This was located on the northeast corner of Battery street and Smith's lane. The buildings, numbering about a dozen, covered two acres of ground. Mr. Frederick Smith was one of the principal owners of this property for many years. The annual product of this concern was from eight thousand to twelve thousand boxes. The enterprise was abandoned about 1850, having become unprofitable. In its best days it employed about one hundred hands.

THE PIONEER MECHANICS' SHOPS were erected in 1852, on land donated by Henry B. Stacy, Henry P. Hickok, Eliza W. Buell and Nathan B. Haswell. The company received its charter in November, 1852. The first directors were: Henry P. Hickok, Frederick Smith, T. R. Fletcher, Edward W. Peck and Morillo Noyes.

These shops consisted of four buildings, each one hundred feet long and fifty feet wide, under one roof with a heavy brick wall between.

The power was furnished by two heavy engines, the engine house being situated



just east of the shops. The manufacture of chairs, sash, doors, blinds, furniture, castings, and machinery was soon begun. On April 2, 1858, the shops were entirely destroyed by fire. They were immediately rebuilt by Lawrence Barnes, who erected three brick shops, two stories high, each one hundred feet long and fifty feet wide.

In these buildings, and others which were erected adjoining, a great variety of manufacturing has been carried on, materially adding to the prosperity of the city.

THE BURLINGTON MANUFACTURING CO. was incorporated in 1865 for the manufacture of nails, and as a rolling-mill. This enterprise, however, did not prove to be profitable, and in 1872 the shops were fitted for the manufacture of marble. This corporation deals in the finest imported and domestic marbles and controls the product of several quarries, owned wholly or in part by it. The officers of the company in 1897 were: T. E. Wales, president; D. W. Robinson, vice-president; M. H. Stone, secretary, and J. H. Gates, treasurer. J. W. Goodell conducts a large granite and marble trade, and has been interested in this business under various firm-names since 1875, making a specialty of Barre granite.

In 1830 a pottery was built on the south side of Pearl street, which at one time did an extensive business, employing from ten to twenty men. It was the only house of the kind in the state, excepting one at Bennington. This business was discontinued in 1896.

In 1891 the property south of Park avenue was surveyed and streets laid out. This portion of the city is known as the "Ferguson & Scarff Addition." The large machine shops of LANG & GOODHUE MANUFACTURING CO. were removed from the Pioneer Shops to this location, where they occupy a large and finely-equipped building with a foundry attached. This concern is the successor of B. S. Nichols & Company. They are also hydraulic engineers and contractors of water-works systems.

At this place is located the shops of the BURLINGTON SHOE CO., who manufacture misses' and children's shoes.

THE C. A. HIBBARD BOOT AND SHOE CO., located on College street, was incorporated in 1892, and do a manufacturing and jobbing business.

One of the most widely-known concerns in the manufacture of proprietary articles, consisting of medicines, dyes, and other preparations, is that of THE WELLS & RICHARDSON COMPANY, of which Edward Wells is president, A. E. Richardson vice-president, W. J. Van Patten secretary, Henry Wells treasurer, and F. H. Wells assistant secretary.

The original business, begun in Waterbury, Vt., in 1855, under the name of J. M. Henry & Son, resulted in the formation of three large concerns, viz.: John F. Henry & Co., in New York City, Henry, Johnson & Lord, and the Wells & Richardson Company, of Burlington.

In 1874 the block occupied by the two latter concerns was built by them jointly, since which time the Wells & Richardson Company have enormously enlarged their business and buildings. The wholesale drug business was carried on in connection with that in proprietary articles until 1891, when the Burlington Drug Company was formed, with A. E. Richardson, president, Fred C. Herrington, vice-president, and C. C. Miller, treasurer, for the purpose of carrying on this part of the business.

The Wells & Richardson Company employ a large force in the preparation of their various articles and in their advertising and accounting departments, and are one of the most generous patrons of the newspapers and the mails, in the United States. The post office authorities, in February, 1897, made one consignment of 9,000 mail pouches to this concern for distribution of their advertising matter.

The gentlemen connected with this corporation are liberal and public-spirited citizens, and are interested in various other enterprises in this vicinity.

Mr. W. J. Van Patten, secretary of the company, has been twice honored by the city with an election as mayor, and the erection and maintenance of the Young Men's Christian Association building, the purchase of the Adams' Mission building and the establishment of its work, and numerous other enterprises of a philanthropic and beneficent character, are due largely to his liberality and untiring zeal for the public good.

The firm of HENRY, JOHNSON & LORD, have a wide sale of several standard preparations. Mr. L. B. Lord is also the senior partner of L. B. Lord & Son, who manufacture Prolific Poultry Food, Climax Horse Food, and other like articles.

In 1873, E. B. & A. C. WHITTING started the manufacture of brush stock, utilizing processes and inventions, patented by them. The business is still successfully conducted in this city.

THE QUEEN CITY COTTON COMPANY was organized in 1894, with a capital stock of \$400,000, with U. A. Woodbury, president, Elias Lyman, vice-president, R. A. Cook, treasurer and clerk, and J. H. Hines, manager. A large mill, with steam as motive-power, was erected on the lake-shore and equipped with the most modern machinery, to the extent of thirty-two thousand spindles and eight hundred looms. The latter is of a new design that is considered of great importance in textile circles, its inventor having attained inventions long sought after; being no less than a magazine feed for the shuttle, and a stop-motion that operates when a thread in the warp is broken. These devices, combined with the most modern construction of looms, enables a single operative to run successfully from sixteen to twenty-four looms, and even, in one instance, thirty-two looms.

The product of these mills is greatly sought for in the market on account of its high character. Their superior equipment, and other natural advantages, promise for them a bright future.

The president of this corporation, Ex-Governor Woodbury, has served in numerous public capacities of responsibility and honor, having been twice the mayor of the city of Burlington, and chosen successively as lieutenant-governor and governor by the people of the state. During the war he was captain in the 11th Vermont Regiment, and sacrificed his good right arm in the cause of liberty.

Since his retirement from the lumber business, he has been engaged in the management of the Van Ness House, of which he is the proprietor. He is also president of the Consolidated Electric Company, the Crystal Confectionery Company, and is a director in various other business enterprises.

In his numerous and varied activities, public and private, he is well known and highly esteemed throughout this state and New England.

Numerous industries of considerable importance have existed and various enterprises of considerable magnitude are now carried on, which lack of space forbids us to mention in detail. The manufacture of soap, candies, cigars, maple sugar products, shirts, blank-books, various proprietary medicines, curtain rollers and fixtures, and various other articles, forms in the aggregate a considerable factor in the industrial prosperity of Burlington.

THE MERCANTILE INTERESTS OF BURLINGTON.—Various small stores soon sprang into existence to supply the early settlers with the few things needful, that they could not produce.

Stephen Lawrence and Stephen Pearl were among the first merchants in Burlington, and the firm of Vilas & Loomis, whose store was located at the head of Pearl

street, were among the pioneers of mercantile affairs. Previous to the above, Stephen Keys, Zaccheus Peaslee, Thaddeus Tuttle, E. T. Englesby, Newell & Russell, William F. Pell & Co., and Herring & Fitch, were engaged in the general merchandise business. Much of the trade done in these stores was "barter," as little money was in circulation.

Merchandise was procured from New York, Troy, and Quebec by slow and costly means of transportation. After the opening of the Champlain Canal Burlington gained largely in importance as a distributing point. As the state became more settled and population increased, business, especially in flour, iron, grain, butter, cheese and heavy goods, drifted toward the lake, and additional docks and wharves were constructed.

The firm of J. & J. H. Peck & Co., who owned storehouses at the North Wharf, and that of Follett & Bradley, who, in 1835, built and occupied the historic "Stone Store," now occupied by Spaulding, Kimball & Co., controlled the wholesale trade in this class of goods.

At one time the Pearl street house, where many of the teamsters from out of town put up, located at the head of Pearl street, in the building which is now known as St. Joseph's College, was run by an eccentric character, Louis Higbee, known as "Squealer" Higbee. This man was a tall, raw-boned specimen, with a high falsetto voice, from which he derived his nick-name. He was as witty as he was eccentric, and carried a wave of good humor and laughter with him wherever he went.

Of him the following anecdote is related: About 1840, when Henry Clay visited Burlington, a large portion of the populace turned out to meet him, on the arrival of the steamboat. Higbee was on hand as usual, and as the distinguished visitor left the boat, he mounted a pile of wood that had been left on the extreme edge of dock, and, swinging his hat in the air, he shouted, "*Hurrah for Henry Clay; he saved his country once, he saved his country twice;*" then in a final demonstration, reaching up as far as he could into the air, he shouted, "he saved ———," but the movement had started the pile of wood, and down he came, falling backward into the lake. Clay was then directly opposite, and with great presence of mind he reached over, grasped the struggling man, pulled him out of the water, and set him on his feet. Blowing the water out of his mouth he finished the sentence so abruptly broken off, thus, "Louis Higbee, too, by ———." His ready wit pleased Clay and the bystanders immensely, and Higbee, with wet raiment but undampened ardor, joined the triumphal procession through the city.

Four, six, eight, and even ten-horse teams employed by merchants in the surrounding towns for a radius of one hundred miles, thronged the highways entering Burlington, and brought their burdens of wheat and farm products in large canvas-covered wagons, to be exchanged for loads of merchandise to stock the general stores of the towns from whence they came. Almost invariably, the one hundred and twenty-gallon cask of New England rum was the first article of merchandise rolled into the big wagon. More than half of the cargoes of wholesale groceries arriving at Burlington in these early days, were composed of rum and other kinds of liquors, and in addition to the large quantity manufactured in the state, indicated the enormous consumption per capita. In northern Vermont, in every general store, the ardent was freely dispensed, and the genial merchant oftentimes "treated" every customer, be his purchase large or small.

The story is related of an old farmer who desired to purchase a darning-needle, and brought an egg in payment for the same. Afterwards, calling for the cus-



tomary "treat," the identical egg was used in compounding his favorite "flip." To be sure in those early days persons found drunk were subjected to punishment, but no one was considered to be in that condition unless he was unable to stand, and "clutched the grass with both hands to keep from falling off the heaving earth." This custom of indulging in strong drink was no less prolific of evil consequences then, than it is to-day, or at any time in the long, sad history of the world. Many a farm, won from the wilderness by the hard work and privations of the pioneer and his family, was afterwards dribbled away at the country store and tavern.

The growing temperance sentiment, which, despite the "croakers," has been limiting, in one way and another, the use of liquor in this state, and which has brought about the vastly better conditions among the majority of the people, when compared with the general drinking habits of half a century ago, we trust, will make as much progress in the half century to come, and reduce the use of liquor to that of medicine and the mechanical arts. May Vermont ever lead, as she has done in the past, in matters of patriotism, integrity, courage, morality and temperance!

Various changes have come to the wholesale jobbing trade in Burlington in the past half century. To-day it is principally done by three large concerns in the general grocery trade—Spaulding, Kimball & Co., O. J. Walker & Bros. (the latter being the oldest wholesale concern in the city), and the Burlington Grocery Company, organized in 1895.

In addition to these three concerns those of J. G. Reed & Co., and O. C. Taylor & Co., tobacco; Arbuckle & Co., tobacco and cigars; Berry, Hall & Co., Crystal Confectionery Co., the New York Biscuit Company, and several other concerns, who do both wholesale and retail business, swell the aggregate business done by this branch of trade to about two million dollars per year.

Besides the wholesale grocery trade, Burlington's wholesale business includes that of dry-goods, which is largely carried on by H. W. Allen & Co. This is the oldest firm in the city doing dry-goods business.

The first extensive business in this line was begun by Elias Lyman in 1844, and this firm is the last in a direct line of succession. They are widely and favorably known throughout the state.

Among the leading merchants in the dry-goods trade, who also have some wholesale connections, are McKillip, Smith & Company, who occupy the elegant new store, "The Richardson," located at the head of Church street, N. E. Chamberlain, Huntress & Clarkson, and J. W. McAuslin & Company.

There are several large hardware stores doing both retail and wholesale business, among which the Strong Hardware Company, Holton Hardware Company, John A. Manson and Company, and George I. Hagar are the leading houses.

Of clothing, jewelry, shoe, drug, crockery, music and other stores there are several of each kind finely stocked, and doing a large retail business which extends far beyond the limits of the city.

The retail trade of Burlington has grown considerably during the last decade, and increasing business has centred here from towns all over the state, and along the western shore of the lake.

Burlington and vicinity have attracted each year an increasing number of summer tourists and visitors; many from the large cities, and it is a gratifying tribute to the enterprise of the merchants of Burlington that many wealthy people having summer residences here have transferred a considerable portion of their trade in dry goods, furniture, fancy articles and the like to this city.

The manufacture of furniture was formerly an important feature of the commercial and industrial record of this section; several concerns at Winooski

and on the lake front have in times past engaged extensively in its manufacture. Among the dealers, H. J. Nelson and J. J. Wright & Company are the leaders.

Burlington is, by far, the most important point for the distribution of coal in the state; the three firms controlling the bulk of the trade are the Elias Lyman Coal Company, Gay & Henderson and E. S. Adsit, the first-named doing considerably more business than the aggregate of all the rest. A limited supply of coal was brought to this vicinity for use at the iron furnaces, and some other manufacturing industries, during the earlier history of the lake commerce, but not until 1851 was the first cargo of coal for domestic use landed at Burlington; this was procured by the firm of Smith & Wilkins, who were proprietors of the New York and Canada line of canal boats, and was designed principally for the use of the members of the firm. Mr. Geo. W. Beckwith, who was agent of the New York and Canada line from 1851 until it closed its business in 1854, succeeded this concern in its forwarding business, and was the pioneer in the regular purchase and sale of coal for domestic use, but, as wood, even at this time, was abundant and cheap, the growth of this trade was comparatively slow. For many years Mr. Beckwith conducted nearly all of the traffic in coal in the city of Burlington; but, with the increasing demand, other firms sprang into existence, and in 1870 the aggregate of the coal trade in Burlington was about twenty thousand tons. This business covers practically the entire northern portion of the state, and, with the lessening of the wood supply, the consumption of coal in the territory covered by the Burlington trade has vastly increased, in 1896 amounting to nearly one hundred and fifteen thousand tons. Up to 1893 nearly all the coal distributed at Burlington arrived by boat; since that time, however, a considerable portion has come by rail, and in 1896 probably fifty thousand tons of the Burlington trade was transported from shipping point to destination in special coal-cars loaded at the mines.

Hon. Elias Lyman, who is the most prominently known of the wholesale dealers in coal, and who is president of the Elias Lyman Coal Company, is also president of the Burlington Traction Company, which controls the electric roads of the city, president of the Venetian Blind Company, a director in various other institutions, and is one of the most active and widely known of the younger business men of Vermont. In 1894 he was a member of the Vermont senate from Chittenden county.

Among the industries of considerable importance, capable of much greater development, are those of quarrying lime, slate, building-stone, marble and cement, all of which are to be found in large quantities, and of excellent quality in many places in this vicinity, while granite appears on the surface, further towards the centre of the state, in immense ledges and mountains, which, in some remote geological age, were heaved up from the centre of the earth. Along the eastern shore of Lake Champlain, crops out a strata of marble appearing on the surface at short intervals for the length of the state. This strata is said to parallel the western slope of the Appalachian system of mountains at a distance of fifteen to thirty miles, at intervals, from Alabama to the St. Lawrence river. It varies considerably in color and quality. The best quality is found in Rutland County, Vermont, and in large quantities. At Rutland, immense quarries are operated, and at various other places marble has been more or less quarried. It is said that the process of sawing marble by means of the toothless iron gang-saw and sand, was discovered by a boy of Middlebury, Vt. Like many another modern discovery, however, this method of cutting marble was known and used by the cunning workmen of the ancient world.

Marble of the purest white, of the blackest jet, of variegated green or beautifully shaded red, and equal in fineness, beauty, polish, and lasting qualities to any

of the famous Italian grades, may be found in extensive deposits along the eastern shores of Lake Champlain.

A recent writer says, "Every color and tint required for interior embellishment, from the delicate shade of the sea-pink shell to the flaming splendor of sapphire, from snow to jet, the neutral grays, the cerulean blues, the mottled, the veined, the composite, all are here. What uncliselled vases, what unhewn statues, what unshaped monuments, what dormant shafts and unraised columns, what mansions, palaces and sovereign capitals, are lying unbuilt on the shores of Lake Champlain, awaiting the words that shall shape them to fit proportion, and set them to be admired of all and stand until they crumble in the light of day."

The red sandstone, which may be seen along the shore-line of the lake, is easily quarried, is of attractive color, and extremely durable for building purposes. It is very solid and compact, not affected by frost or abraded by heat and moisture, and is of such a tenacious nature as to stand the pressure of the most massive structure without crumbling. With the exception of granite, this stone is one of the most desirable for building purposes.

A range of siliceous lime rock runs parallel with the lake at a short distance from it. This stone is the basis of hydraulic cement, and from it a most excellent article can be manufactured. As early as 1835, as elsewhere mentioned, a kiln for burning and a mill for grinding this article was in operation at Winooski, and its product was used in the construction of several large buildings erected about that time. The manufacture of this material in other states forms an extensive and important business, but with the exception of the small amount manufactured at this time, this industry has never been pursued in this section.

East of the ledges of water lime, a strata of the white carbonate of lime crops out, and the burning of this into quick-lime at various places was one of the industries inaugurated soon after the first settlement of the country.

Mr. S. H. Weston, of Winooski, has for many years operated two large kilns located on his extensive property. Mr. Weston is the largest land-holder in the vicinity of Burlington, and holds the titles of three thousand acres in Vermont, and four thousand in the state of New York, covering in the latter state valuable iron interests. Mr. Weston is president of the Winooski Savings Bank and the Winooski Lumber Co., and has been extensively connected with many and varied business interests both here and in eastern New York.

Brick-yards have eaten huge incisions into the clay hills of Burlington and surrounding towns, furnishing the material for building the numerous brick blocks, mills and dwelling-houses of the cities and villages in this section. Mr. Francis LeClair, who began business in Winooski in 1839, established a brick-yard in that village and another in Burlington. He built the principal block in Winooski—known as the Winooski block—and a large number of dwelling-houses, which he sold to the laboring people on easy terms. He was highly esteemed, and his death, in 1889, was deeply regretted by the entire community. Mr. A. A. Graves succeeded to this business and has recently greatly enlarged and improved it.

In this brief and imperfect review of the industries and commerce of the Winooski Valley and the Port of Burlington, it has been impossible to more than lightly sketch some of the most important conditions, events and individuals that have been instrumental in developing the industry and commerce of this section. To meet the requirements of a people, possessed of the spirit, courage and industry of the original settlers and their descendants, under the changing conditions of transportation and manufacturing, has been a difficult problem which the business man and manufacturer have dealt with to the honor and profit of this section. Practically, the same forces that



are at work in the mechanical world, producing labor-saving devices, which, in all departments of manufacture, have so largely reduced the proportion of labor performed to quantity produced, are also at work in simplifying *the distribution* of the products of the mines, the field and the factory. The increased facilities for direct transportation of merchandise, and the tendency of the retail trade to deal directly with the producer and the manufacturer is yearly lessening the importance of the jobbing trade. This tendency is already felt to a considerable extent by the wholesalers of Burlington. Lumber, coal, salt, sugar, nails and many other articles of merchandise which, up to a comparatively recent date, were transported to Burlington by water to be distributed by rail, are now finding their way in considerable quantities, in all rail shipments, directly to their destination from first-hands. This tendency of direct trade will doubtless increase, to the detriment of the wholesale interests of the city.

The growth and diversity of the manufacturing interests, and their extension in recent years, indicate, however, that Burlington is likely to retain her importance in this state; and the activity and enterprise of her business men, now, as in the past, will be equal to the changing conditions.

Of labor agitations, socialistic tendencies and political unrest, arising from dissatisfied and unemployed laboring classes, Vermont has little knowledge. Sturdy common-sense, habits of industry, and the economy and thrift of the forefathers are among the most precious inheritances of their descendants, who still form a large proportion of the inhabitants of the state. In the perplexing questions of the hour, whether relating to labor, finance or national legislation, Vermont has ever been found on the side of right, patriotism and "the greatest good to the greatest number." In recognition of the advantages of the predominance of such sentiments as these in a commonwealth, as well as the many natural resources offered by the state, enterprises of various kinds have been established within its borders, while many others are projected, and only await the revival of business to be actively considered.

In the readjustment of prices and conditions, and the methods of living, consequent upon the improved methods of production and distribution, which may cause revolutionary changes in the prevailing conditions, and possibly result in the limitation of the hours of labor of the laboring man, as well as the profits of great combinations of capital, by national legislation; and in the adjustment of new financial conditions to meet old obligations; when the honor of the individual, and that of the nation, are alike involved, the influence of Vermont, and that of her sons and daughters, scattered through every state of this great country, will be felt in favor of justice, honesty and sound finance.

May Vermont, with her record of early pioneers, who feared not the terrors and privations of the wilderness; of heroes, who stood firmly for their rights against overwhelming odds; and men, great in their patriotism and common honesty; in the store, factory and on the farm, "whose word was as good as their bond," and to whom idleness was a sin and a disgrace, keep good the prestige and character she has gained in the great sisterhood of states. Not alone in the valor that her sons displayed in the early struggle for freedom, nor through the merits of the statesmen, who guided her affairs, and who have wielded so important an influence in the halls of national legislation, lies her claims for distinction, but in the activity, courage, character and business integrity of her whole people is found the underlying secret of her power and influence. May she ever remain in patriotism, valor and business integrity alike; in the affections of her sons and daughters at home and children far away; in the bright galaxy that makes luminous the blue field of our beloved flag, "the star that never sets."

## CHAPTER CXVIII.

### LEADING MANUFACTURERS IN SOUTHERN VERMONT.

BY E. V. N. HARWOOD.

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**T**HE city of Rutland is particularly well situated as regards manufacturing interests, for the reason that it is the railroad centre of the state, and because of valuable water-power furnished by the falls of Otter creek. During its one hundred and thirty-five years of life as a village, town and city its growth has been steady and entirely free from "booms" with a disastrous termination. With home capital largely invested by conservative yet progressive men the "Marble City" has always been the personification of prosperity, and to-day leads all other Vermont municipalities as far as business is concerned. The discovery of marble and later the founding here of the greatest marble center in the world has made Rutland the Carrara of the western hemisphere, and has given her an eviable reputation and a position in the financial world that the most stringent time has yet failed to assail.

**THE HOWE SCALE COMPANY.**—The largest industry in the city and one of the most extensive in New England is the Howe Scale Works, which, since 1878, has made Rutland its home. With the Fairbanks Scale Company, of St. Johnsbury, Vt., this concern is the largest manufacturer of scales in the world, and has a market not only in the United States but in every foreign civilized country as well. The Howe scales have for years been recognized by the commercial and industrial world as standards of weight and balance in avoidupois transactions, and are used to day in the United States Treasury department and Custom Houses; by many of the largest railroads; by the New York Produce Exchange and Board of Trade, and in mercantile houses the world over.

The history of the industry is interesting. In 1855, Frank M. Strong, an employe of the Sampson Scale Company, of Vergennes, Vt., and a Yankee with a mechanical turn of mind, made a special study of weighing machines, with the end in view of discovering some method by which the severe wear and tear of pivots and bearings might be avoided. One day, so the story goes, Mr. Strong, while handling a large steel shot dropped it, and the missile rolled against the wall. This suggested an idea to him, and he remarked to a friend, "If I could put the platform of a scale upon balls like that and whenever any weight struck it rudely I could so arrange the platform as to have the surrounding frame receive the shock, I could more than double or triple the life of every scale." Mr. Strong began the development of the idea and one day completed a hay scale, the platform of which was placed on chilled iron balls. The experiment proved successful, and later, he constructed a two-hundred ton scale for the Morris Canal and Railroad Company of New Jersey. Thomas Ross, of Rutland, joined Mr. Strong in his venture, and after much study and many

expensive experiments, a patent was obtained January 15, 1856. In the fall of that year the firm of Strong & Ross put up its first scale in Vernon Village Mills, New York, and at about the same time placed hay and smaller scales upon exhibition at the American Institute, where they attracted considerable attention. In the spring of 1857, John Howe, Jr., a resident of Brandon, Vt., bought the patent from Strong & Ross, and began the manufacture of scales in Brandon. The name was eventually changed to the Howe scale. Mr. Strong and Mr. Ross were retained and attended to the work of perfecting the machine, while the proprietor placed it upon the market. The business was begun in a small way, and during the first year little was accomplished besides modifying patterns and taking out additional patents. The first public test was held at the Vermont State Fair, in the fall of 1857, where the scales received the highest premiums. Since that time the machines have been shown at exhibitions in every civilized country in the world, and have taken hundreds of medals.

In 1864, the Howe Scale Company was organized under a charter granted by the legislature. In 1869, the property was purchased by N. T. Sprague, Jr., of Brandon, who transferred it to a corporation previously chartered under the name of the Brandon Manufacturing Company. The members of the company included ex-Governor John B. Page, for years an extensive stockholder; Colonel George A. Merrill, a prominent Vermonter, and W. W. Reynolds, then superintendent of the works. In 1878, the legislature was asked to change the name back to the Howe Scale Company, and the request was granted. During its few years of life the business had grown to such an extent that a more suitable location was sought, and in July, of 1878, the shops were moved to Rutland. The new buildings, seventeen in number, covered eleven acres of ground. The site selected was at a point between the Rutland and Bennington and Rutland Railroads, and at one end of the Delaware and Hudson Company's yard. Once provided with adequate facilities the industry grew rapidly. Patent after patent was issued, scale after scale was invented, and branch after branch was added, until the name of the company became a household word throughout Vermont. The concern successfully competed with English, French and Belgian scale manufacturers in their home markets, notwithstanding the fact that labor, coal and iron were much cheaper in those countries than in the United States. This successful competition is accounted for by reason of better facilities for manufacturing possessed by the Rutland company, and on account of the superior excellence of the scales made by it.

On October 24, 1885, John B. Page, the company's president, died, and in 1888 Dr. John A. Mead and John W. Cramton, of Rutland, re-organized the corporation. Dr. Mead was elected president, and the Howe Scale Works entered upon a period of prosperity that far eclipsed its most favored days. At the present time the works comprise twenty and more buildings. These include the foundry, furnace, pump and engine buildings, machine, beam, forge, wood, tin and paint shops, sealing, brass, packing and japan rooms, warehouse and general office. The latter is a structure 46 x 52 feet in dimensions, located at the east of the workshops. Rooms are provided for the president and treasurer, general superintendent and a corps of clerks. The grounds are enclosed with a high fence, and railway tracks connect the principle departments. The company is now manufacturing over one thousand designs of scales, from the eight ounce letter weight to the two hundred and fifty ton track scale. A computing scale, now being developed, will be one of the novel manufactures as soon as it can be placed on the market. The scale will be supplied with a recording beam which will give the gross and net weight of a wagon-load of



hay, a car of coal, etc. The company is the largest manufacturer of trucks in the world, a car load being shipped each day the year round. Over one thousand different styles are produced. In addition to these branches letter-presses are cast, and coffee mills operated by electric or water power are made. In the works 450 men are given employment, 25 tons of iron are used in a day, and 1,500,000 feet of lumber are worked up in the course of a year. According to the president the company's capacity is now \$1,000,000 worth of scales a year. The manufactures are marketed through the main office in Rutland and branch offices in New York, Boston, Philadelphia, Pittsburg, Cincinnati, St. Louis, Kansas City, Cleveland, Chicago, Minneapolis, Portland, Oregon; San Francisco, Los Angeles, and London.

In connection with the works is a separate department where a staff of inventors are ceaselessly at work improving devices, inventing machines, machinery and tools, preparing patents and perfecting scales. The department is of the utmost value to the works, as within the last few years, by the ingenuity of the inventors, thousands of dollars have been saved and hundreds of devices have been perfected.

Under the firm-name of John A. Mead & Co., Mr. Mead manufactures at the works the Harrison Conveyor machinery. The business was purchased in 1893 of the Harrison Conveyor Company of Chicago, and was moved to Rutland. The conveyor is a system of appliances for the rapid handling of grain, coal, sand, tan bark, fertilizers, and almost anything in this line. The conveyor consists of a wrought iron steel chain joined together with a patent link for holding push-plates and connecting chain, which at the same time fastens to the chain at equal distances a metal push-plate of diamond shape for moving the product. When coupled together, the chains with push-plates are operated over driving-wheels at each angle or change of direction, and run through a wooden or composite trough made to conform to the shape of the push-plates. The natural drift of material being towards the centre or lower point of the trough, it is swept along by the conveyors as cleanly as though done with broom.

Mr. Mead is also the exclusive manufacturer of Case marine elevators, Heath & Smith automatic cable and electric cars and is selling agent for Rawson & Morrison, Newall & Ladd, and Symonds & Pay automatic coal buckets. Of the two hundred buckets used in the United States and in Canada Mr. Mead has furnished one hundred and eighty of the number.

While the scale works is the most extensive manufactory in the city there are a number of smaller concerns which do a thriving business.

One of the older institutions is the LINCOLN IRON WORKS. This industry was started in 1868 by the late Thomas Ross, who manufactured wood and stone-working machinery. In 1882 a corporation was formed with a paid-up capital of \$75,000. Redfield Proctor, one of the prime movers, was made president and served in that capacity until 1889, when he sold his interests to John N. Woodfin and he became president. The principle manufactures are marble gang saws, diamond saws, derricks, hoisting-machines, tile machines, rubbing beds and all machinery used in the manufacture of marble. The firm is a jobber in plumbers' supplies, steam and soil pipes, valves, lead pipe and rubber goods.

THE MOSLEY & STODDARD MANUFACTURING CO. is the largest producer of dairy supplies in this section. F. W. Mosley and M. O. Stoddard went into partnership in Poultney, Vt., in 1872, and started business by manufacturing tinware and agricultural implements. In 1874 the firm built an addition to its shops and began to make dairy-working supplies, and in 1879 added the Mosley cabinet creamery and other butter-working appliances. In 1881 the firm was incorporated by act of the

Legislature under the name of the Mosley & Stoddard Manufacturing Company. The capital stock was \$40,000. The buildings were burned in 1889 and the firm moved to Rutland. A specialty is now made of butter and cheese-working supplies and all appliances used about a dairy. The firm is the New England agent for the De Leval cream separator and the St. Albans Foundry Company's horse-power fodder and shredder, etc. At the shops is a department for manufacturing house furnishings, such as mantles, doors, cupboards, etc.

THE F. R. PATCH MANUFACTURING CO. does a large business in stone working machinery. The shops are located on Furnace street, where a large number of men are employed. Most of the buildings are on the site where once stood the shops of the Harris Manufacturing Company. The firm was incorporated in 1892, with a capital of \$77,500, and is a successor to Mansfield & Stimpson, who for years were located on West street.

THE VERMONT SCHOOL SEAT CO. is the only firm in this section manufacturing school seats. It was organized in 1890 with a capital of \$100,000, and is at present doing a thriving business. Besides making school seats the company is an extensive manufacturer of folding beds, blacking cases, pastry boards, wash benches, invalids' trays, etc.

M. E. WHEELER & CO., dealers in fertilizers, have established their head office on Pleasant street, where the larger part of the business of the concern is transacted. Mr. Wheeler became interested in the fertilizer business in 1877. At that time he resided in Pawlet, where he went into partnership with George Sheldon. The output the first year was three car-loads. Later the firm moved to Rutland, and Mr. Sheldon withdrew, and other substantial business men were induced to take a part in the enterprise. To-day the firm has active agents in over thirty-five thousand towns, embracing a territory from New Brunswick to Indiana. In the Rutland office fifteen shippers, typewriters and accountants are employed.

**PROCTORSVILLE.**—The principal industry of Proctorsville is the TAFT, BURBANK & MURDOCK woolen mill, the history of which dates back to 1836, when a company called the Proctorsville Woolen Manufacturing Company built on this site a buck woolen mill, seventy-five by forty-two feet in dimensions, and employed about thirty-five hands, who made about one hundred and thirty-five yards of three-quarter cassimere daily. In 1842, the property was sold to William Smith and Abel Gibson. In 1844 the mill was partially burned, but was immediately rebuilt. The firm of Gibson, Smith & Company continued until 1848, when Mr. Gibson sold his interest to Mr. Smith and Ammi Willard, who operated the mill about six months. Mr. Smith then became the sole owner. In 1850 George L. Balcom became associated with Mr. Smith, under the firm name of Smith & Balcom. In 1856 Mr. Balcom sold his interest to Mr. Smith, who continued the business for three years, when he sold the property to Alanson Tucker & Company, of Boston, who leased it to George L. Balcom. Mr. Balcom operated the mill until 1864, when the Proctorsville Mills Company, a stock company, purchased the plant and carried on the business for three years, when the property was again leased to Mr. Balcom until 1876. In 1877 William E. Hayward, L. Herbert Taft and Albin S. Burbank, under the firm name of Hayward, Taft & Company, bought the property and increased the capacity of the mills to six sets of cards, employing about one hundred hands and producing two hundred and fifty thousand yards of six-quarter woolen goods per annum. This firm also bought the chair factory property, one mile west of Proctorsville, and converted it into a shoddy mill and box factory.

In 1877 Herbert T. Murdock obtained an interest in the business and in 1890 Mr. Hayward sold his interest to the remaining partners who continued the business under the present firm name of Taft, Burbank & Murdock. In 1892 this firm built a four story brick addition 100 by 42 feet in dimensions and in 1895 erected a two story brick building 100 by 40 feet, making the capacity of the mill twelve sets of cards and eighty broad looms. A 250 horse power steam engine furnishes the power for the mill as well as for electric lighting purposes. About 200 hands are employed.

**WALLINGFORD.**—The largest industry in Wallingford is that of **BATCHELLER SONS' COMPANY**, manufacturers of "Batcheller" forks. The business of manufacturing this kind of farm implement was begun in 1835 by Lyman Batcheller and eventually the works came into the possession of his three sons. In 1882 a corporation, including the Batcheller brothers, was formed. The works employ seventy-five skilled workmen and produce about 400 varieties of forks among which are manure, hay, straw, spading, barley and potato digging forks; manure drags and potato hooks. The establishment is one of the largest of its kind in the country and its products have been so long on the market that they have been introduced successfully in Europe, England, South America and Australia. The forks have been placed in many expositions and have many times been awarded first premiums.

**DANBY.**—The largest single lumber producer in Vermont, and one of the largest in New England is S. L. Griffith, of Danby, who operates mills in Danby, Peru and Mount Tabor, and who, under the firm names of Griffith & McIntyre, McIntyre & Griffith, and the Peru Lumber Company, own mills and vast tracts of virgin forest in the towns of Peru, Mount Tabor, Danby, Arlington and Mendon. The extent to which operations are conducted may be judged from the fact that the concerns employ a small army of men and saw 12,000,000 feet of lumber a year, besides getting out carloads of chair stock and millions of feet of clapboards. When there is an active demand for charcoal Mr. Griffith produces a million bushels per annum. Each "job" is a village by itself, generally located in the heart of the mountains, where the men live the year round. The main office of the companies is but a stone's throw from the Danby and Mount Tabor station on the Bennington & Rutland Railroad, and but a short distance from the Danby post office. It is here that all the wagons used are built and repaired. In addition there are charcoal kilns, large stables, a blacksmith shop, store-house and two mills.

Mr. Griffith began lumbering in 1865, when he was obliged to take, on a mortgage, two "jobs." One was in Mount Tabor and one in Dorset. Neither had paid during previous years, and it was generally conceded that they never would. Up to that time Mr. Griffith's lumbering experience had been limited, but he set about in a business way, and soon had the saws in both mills cutting spruce and hard wood. By careful and shrewd management he began to make money, both at Mount Tabor and at Dorset. In 1869 he sold the Mount Tabor mill to a Massachusetts firm, but by mismanagement the company finally became bankrupt, and the mill reverted into Mr. Griffith's hands. In the meantime Mr. Griffith began to buy in large tracts of land, and when he again took charge of matters he was in a position to construct more mills and continue on a much more extensive basis.

East of the village of Danby Mount Tabor Mountain rises in an abrupt ascent, and from its forested sides a large part of the logs are taken. The Mount Tabor mill owned by Mr. Griffith is four and a half miles from Danby in one of the richest



forests in the state. It is reached by a roads that follows the "Branch" through series of passes rougher and steeper than any city-bred mind would imagine existed until an unexpected opening discloses the saw mill, post office, boarding-house, store, blacksmith shop and charcoal kilns. Here a large number of men cut and saw 3,000,000 feet of lumber a year, besides burning thousands of bushels of charcoal. The lumber is obtained largely from spruce trees, but some hard wood is cut. A minor feature at this mill is the sawing of over 1,000,000 feet of clapboards annually.

Two miles south of the main office is what is known as the "South End job," where one mill turns out about 2,000,000 feet of sawed lumber in the course of the twelve months. The mills is located in the valley a few rods from Otter creek, and the logs are brought there from the mountain which foots the meadow. In order to get the logs down the steep mountain side it has been necessary to cut a zig-zag road from the mill to the "job." The work of constructing this road was a stupendous undertaking, as in one place the proposed line was obstructed by a formidable ledge of rock, but it was finally completed at an expense of \$10,000. At the mill is a store, boarding-house, blacksmith shop and a machine for sawing clapboards.

The Griffith mill, in the town of Peru, turns out 2,000,000 feet of sawed lumber in the course of a year, and produces clap-boards as well. The mill operated by Mr. Griffith in Danby is but a short distance from the office, and not far from the point where all the forest products are shipped. Besides turning out lumber there is, in connection with the mill, a department where waste slabs are sawed into box shooks to be used by knitting mills, and a department for "working up" hard wood into chair stock. Close at hand is a grist-mill, where is ground all the grain consumed by the two hundred and more horses and oxen worked in the mountains.

THE PERU LUMBER COMPANY MILL, in Peru, produces 1,500,000 feet of sawed lumber in the course of a year, and the Griffith & McIntyre "job" in Arlington furnishes 2,000,000 feet more. The firm of McIntyre & Griffith in Mendon, and other mills owned by the concerns, bring up the annual production to the figure given above.

The entire business is conducted by a system that has few rivals. There is not a scrap of wood or lumber allowed to go to waste. Even the sawdust is used. Some years ago Mr. Griffith conceived the idea that trees could be sawed down a foot from the ground instead of being cut with an axe two feet higher on the trunk. Saws were made for this purpose, and the experiment proved successful. To-day this method is universally used. All the company's mills, stores and offices are connected by a telephone system which was one of the first to be operated in the state.

Though lumbering in the Mount Tabor and Danby mountains was begun more than thirty years ago, Mr. Griffith is of the opinion that there are 60,000,000 feet of good timber now standing in his forests. He estimates that it will take ten years to cut this and saw it into lumber. The production of the mill is marketed in the principal cities of the East. Mr. Griffith alone owns 18,000 acres of forestry, and with Mr. McIntyre owns 5,000 acres more, making a total of 23,000 acres.

**BRATTLEBORO.**—The principle industry in Brattleboro is the ESTEY ORGAN WORKS, the most extensive in Vermont, and one of the largest of its kind in America. Since Jacob Estey began the manufacture of melodians, in 1850, the works have come to comprise twenty and more buildings, located on a bluff west of the village, on "the other side" of Whetstone brook, and with the lumber yard cover five acres of ground. The four hundred men employed build from twelve hundred to fifteen hundred organs every month, which means that one is constructed every twelve to

fifteen minutes during each working day of twelve hours. The monthly pay-roll amounts to from \$20,000 to \$25,000, according to the business on hand. A notable feature connected with the industry is the fact that men who began work for the company usually find it to their advantage to remain, and thus workmen who began almost with the birth of the factory may be found in their places to day. More than this, men whose fathers began life in the employ of Jacob Estey are now turning gray in the service of his successors. These men have built homes in Esteyville and in the village, and it is said that one-fifth of the houses of the entire hamlet belong to them.

The business career of Jacob Estey began in 1833, when he established in Brattleboro a successful lead-pipe and pump trade. His goods were for the most part made in the winter and sold in the spring and summer. In a few years his business had increased considerably, and in 1850 he built a two-story shop south of the Main-street bridge. A part of the shop he rented to a firm of melodian makers, named Burdett & Carpenter, who turned out these instruments on a small scale and sold them to a trade they had built up in the state. When the California gold fever broke out both members of the firm were taken with a bad attack of the malady. Melodian making was altogether too slow a means of getting rich for them, and they were so anxious to try their luck in the auriferous fields, that they lost no time in selling out to Mr. Estey, who offered them \$2700 for their business. While Mr. Estey had no knowledge of music, and scarcely knew one note from another, he was tolerably certain that the American people were fast becoming musically inclined, and he argued if this idea were true he could supply their needs and make good money by so doing. Soon after he bought the factory he took into partnership H. P. Green, who knew a little about music, and the firm started in under the name of Estey & Green. Six or eight men were engaged at once, and the manufacture of melodians began in an unpretentious way. During the first few years the annual output amounted to from fifty to seventy-five instruments, according to the demand. There was too little business to warrant the employment of a salesman, and Mr. Estey took charge of that department while Mr. Green looked after the manufacturing end of the business. Deacon Estey's method of introducing his melodians differed somewhat from that adopted by the firm to-day. When the Deacon was ready to start out on a trip he would load a wagon with melodians and, taking his seat on the box, he would drive from town to town, county to county, and state to state until every instrument had been sold. He would then return and get another load. The melodians brought from seventy-five dollars to two hundred and twenty-five dollars apiece, and at those figures it was not remarkable that few were disposed of for cash. As the Deacon could not play a note he was generally accompanied with a boy who could grind out a tune or two, and when this was not feasible he would engage some person in each town to show up the instruments to prospective purchasers.

In 1857, the shop was burned and a larger one was built on the spot where the Brattleboro house now stands. In 1864, this also fell a victim to the flames, but despite the double misfortune the industry grew, and two years later a large factory was erected at the corner of Frost and Elm streets.

Prior to this, in 1863, Mr. Estey and Mr. Green dissolved partnership, and for two years Mr. Estey conducted the business alone. January, 1, 1865, he took into partnership three new members, and the firm opened a branch in Chicago. A dissolution occurred April 1, 1866, Mr. Estey retaining the Brattleboro factory and his former partners taking the Chicago branch. A new company was then organized, Mr. Estey taking into the business his son, Julius J. Estey, and his son-in-law, Levi

K. Fuller, the latter since governor of Vermont. In 1869, a freshet swept away a large part of the company's lumber, and Mr. Estey deeming the locality no longer safe, bought a large tract of farm-land at what is now Esteyville, and began there the construction of the present factories. During the winter of 1869-70, four main buildings were built. Since then four more have been completed together with a large number of additional buildings.

In 1853, the melodians were plain affairs in unornamental boxes. To-day, there are more than one hundred styles, ranging from the house, school and chapel-organ to the ponderous three-pedal instruments. Not only in exterior appearance have they improved, but little by little there have been added new devices and new contrivances for improving the tone, until to-day the many throughout the country who own Estey organs will attest to their durability and general excellence. The products of the factory are marketed through branch houses and have found their way into every country in the civilized world. The foreign trade is principally done through distributing houses in Hamburg and London, and the United States customers are supplied through ware-rooms in New York, Boston, Philadelphia and Atlanta.

Jacob Estey died in 1890, and ex-Governor Fuller died in 1896, leaving the presidency of the Estey Organ Company to General Julius J. Estey, the son of the founder.

**BELLOWS FALLS.**—By virtue of its great and unfailing water-power, derived from the falls of the Connecticut, Bellows Falls is the manufacturing center of southeastern Vermont. The village once centered about Rockingham, but finally moved to the banks of the river, on account of the salmon fishing, and became Great Falls, then Fallstown, and finally Bellows Falls, as one sees it to-day. All the manufacturing interests, including six paper-mills, a machine-shop and a farm-implement manufactory, are located near the centre of the town, where the Connecticut roars over the rocks and furnishes one of the most reliable powers in New England. One more paper-mill is located on the Vermont bank, in the town of Westminster, a few miles below Bellows Falls.

The pulp and paper industry, in this section, started in 1872, when the FALL MOUNTAIN PAPER COMPANY began the operation of what was destined to become the largest pulp and paper-mill in Vermont, and one of the largest in the New England states. The company was incorporated at the outset, and, with a capital stock of \$500,000, began the manufacture of pulp and paper from wood. The business gradually grew under the careful management of the president and heads of the various departments, until it has gained its present proportions. The mills are located but a stone's throw from the public square, and occupy an advantageous position, with regard to receiving logs and shipping the product.

There are in all eleven paper-making machines operated by the Fall Mountain Paper Company. Six of these are cylinder and five are Fourdrinier machines. These are run night and day, and are fed with pulp from fifteen million to eighteen million feet of logs per year, and produce one hundred tons of paper in a day, making the yearly output in the neighborhood of thirty thousand tons. The estimated value of the annual product is \$1,500,000. Four principal kinds of paper are manufactured, namely: news, cord-manilla, book and writing. The first-named constitutes two-thirds of the total output. The company furnishes the Boston *Herald* with thirty-five thousand pounds a day, and provides all that is used by the Baltimore *American*, Atlanta *Constitution*, Atlanta *Journal*, Augusta *Chronicle*, Savannah *Morning News*,



Norfolk *Virginian*, Charlestown *News and Courier*, Washington *Post*, Washington *Star*, Pittsburg *Leader*, Rutland (Vt.) *Herald*, and many smaller papers. The only use to which steam is put is to dry the paper as it comes from the machine. The mill, like others of the same kind, includes the following departments and divisions: logging department, wood-working department, ground pulp-mill, sulphite pulp-mill, rag and waste departments, Fourdrinier machine mill, cylinder machine mill, beating and washing department mill, engine department, coated paper department and finishing and shipping department.

The mill of MOORE & THOMPSON is not far distant from that of the Fall Mountain Paper Company. The firm was incorporated in 1886 under the name of the Moore, Arms & Company. The capital stock is \$100,000. Several years ago Mr. Arms dropped out, and the firm continued under the name of Moore & Thompson. At the mill manilla wrapping paper is manufactured from pulp. Two machines, a seventy-two inch cylinder and a ninety inch Fourdrinier, produce twenty-four thousand pounds a day.

The mill of WYMAN, FLINT & SONS was started in 1879 under the name of Flint & Fisher, and is one of the older paper-making factories. Two years after the business was started Mr. Fisher sold out his interest to Francis G. and John W. Flint, and the firm came under the name it bears to-day. The mill operates two machines, which produce two tons of wrapping paper daily from pulp manufactured by other concerns. The firm was incorporated in 1896. The capital stock is \$60,000.

JOHN T. MOORE & SONS operate a mill not far from the Fall Mountain Paper Company's establishment. The business was started in 1872. Tissue paper is manufactured by one cylinder machine at the rate of three thousand five hundred pounds a day. The paper is used for making dress patterns and for toilet purposes.

JOHN ROBERTSON & SON operate a mill for the manufacture of tissue manilla paper. Business was started in Putney, Vt., and was moved to Bellows Falls in 1883. One cylinder machine produces two tons of paper a day.

THE ROBERTSON PAPER CO. was incorporated in 1892, with a capital stock of \$75,000. One Fourdrinier machine produces ten tons of manilla envelope paper in a day. The firm started out under the name of the Robertson & Coy Paper Company, but in 1895 changed its name to that under which it is now doing business.

THE WESTMINSTER PAPER CO. has a mill located a few miles below Bellows Falls in the valley of the Connecticut river. One machine produces twelve thousand pounds of wrapping and manilla paper a day.

THE VERMONT FARM MACHINE CO., manufacturers of farmers' supplies, is one of the largest firms of its kind in New England. The factory is located near the depot, on what is known as "The Island," and is not far from the old Island House. The company is now doing business in a comparatively new three-story brick building three hundred and fifty-five by sixty feet in dimensions. Between one hundred and two hundred men are employed, the latter figure being reached during the busy season. The company was founded in 1873, and though twenty-four years have elapsed since business was started over Towne's livery stable, a large part of the stock still remains in the hands of the original investors. When business was begun over the livery stable it was for the principal purpose of manufacturing evaporators, the first patent for which was taken out in that year. The evaporator known to-day as the "Williams' Improved Bellows Falls" is still manufactured, and with its many improvements finds a ready sale. After the business had gotten a sure footing the company utilized the Wentworth wool storage, a building fifty by twenty-six feet in

dimensions, standing near the head of the Bellows Falls Canal. But even these quarters became cramped after three or four years, and a building was put up a few feet from the wool storage. About this time a horse-rake was patented, and to manufacture it, it became necessary to furnish more horse-power. This was eventually done, and the manufacture of rakes formed an important part of the growing industry until 1881, when the introduction of dairy apparatus in the list of manufacturers crowded out the rake branch of the business. At this time the company bought the Cooley creamer patents, and with an increased business and consequently a demand for more room, built a three-story brick block sixty-eight by sixty feet in dimensions. March 9, 1883, the block was burned, and a new one erected in its place. Still the business increased, and in 1889 the company abandoned all its buildings and built on the island the substantial structures it now occupies.

The principal manufactures of the company include the improved United States cream separator for factory and dairy, Cooley creamers, the Davis swing churn and the Williams' improved Bellows Falls evaporator. At the Vermont dairy school, held January 18, 1897, the No. 1 Improved United States Cream Separator showed a composite test of 0.05, and at the Iowa dairy school, held February 1, 1897, ran in one hour 2,760 pounds. The test of skim milk showed 0.07. The separator is manufactured under twelve patents, the last of which was taken out January 19, 1897. The Cooley creamer was awarded a medal and a diploma at the World's Fair and is a well-known dairy attachment. The Williams' Improved Bellows Falls evaporator is founded upon the Cook patent, but includes the Butler, Corey and Tabor patents. The Davis swing churn was awarded a medal and a diploma at the World's Fair, and is not a stranger among butter-makers and dairymen. Besides the above-named list the concern manufactures all kinds of dairy supplies, and is prepared to build and equip dairies and creameries. Among the dairies equipped by this firm are these: The Lyndonville (Vt.) Creamery, the Lamoille Valley Creamery at Hardwick, Vt., the Adena Creamery at Adena, Ohio, the Quaker Basin Creamery at DeRuyter, N. Y., the East Ryegate Creamery, at East Ryegate, Vt., the Otisco Creamery, at Otisco, N. Y., the Green Mountain Creamery, at West Topsham, Vt., and the Lakeland Creamery, at Cazmoria, N. Y., and many others.

The building of OSGOOD & BAKER, machinists, is directly across the road from the Vermont Farm Machine Company's factory. The firm, which was started twenty-six years ago, manufactures paper-makers' machinery and does a general repair business, employing from fifty to eighty-five men.

**BENNINGTON.**—The town of Bennington is the textile manufacturing centre of the state, and with its shops and mills employ more than two thousand men and women. The cotton, woolen and knitting mills are located at different points in the town, and are not bunched in one locality as is generally the case.

THE VALENTINE KNITTING COMPANY is the largest manufacturer of knit underwear in the state, and is one of the most active knit-goods firm in the country. The company's history covers a period of more than seventy years, and is inseparably linked with the birth of the manufacture of woolen goods in the town of Bennington.

In 1822, Joel Valentine came to Bennington from Washington County, N. Y., and settled in the west part of the town. There he lived until 1824, when he moved to the village, and buying a little old building on the site of the present commodious mills, he became the Bennington pioneer in the manufacture of woolen goods. In 1836 the mill was burned, and a small building was erected nearby. This was used

until, in 1845, a brick mill was built on the ruins of the old property. In 1866, at the close of the war, Major Alonzo B. Valentine, son of Joel Valentine, came into possession of the property, and converted it into a knitting mill. The mill was again burned in 1883, and in 1885 the present mills were erected. A year later the Valentine Knitting Company was incorporated under the laws of Vermont, with a capital of \$100,000. More than two hundred hands are now employed, and produce forty thousand dozen knit shirts and drawers in the course of a year. The value of the annual production is not far from \$500,000. The goods are sold to the jobbing trade directly from the mills.

The mills erected in 1885 include three handsome brick structures, three stories high and 104 by 50 feet in dimensions, with an ell 44 by 42 feet. These are equipped with eight sets of improved knitting machinery, operated by steam and water with a combined capacity of 180-horse power. Two smaller buildings are also used in connection with the main mills.

When Joel Valentine first came to Bennington the manufacture of textile fabrics on the present scale was something entirely unknown in this country. Mr. Valentine started in the days when the good housewife carded wool, spun her yarn and wove it into cloth to be sent to the fuller to be finished, so that it might be made into garments. With the introduction of the power loom came the Valentine mill, a wonder to all the good folk in Bennington. Then came the invention of the roll-carding machine, and Mr. Valentine, ever among the foremost in the operation of new appliances, put into his mill a number of these rolls. While this method was slow, it was much more rapid than any hitherto known, and the good wife ceased to spin upon the house machines as the mill began to do away with hand labor. Some farmers still brought in cloth to be fulled and finished, but the majority brought wool that it might be carded, spun, woven, fulled and finished. This was usually done in shares, Mr. Valentine retaining for his pay a fixed portion of the cloth turned out, in something the same way in which the miller of to-day takes for toll a portion of the farmer's grist. But the time came when this way of manufacturing woolen was too slow, and with improved machinery the old method gave way to the new.

The impetus given the business during war times was in a great measure responsible for the rapid advance in manufacturing, and when Major A. B. Valentine returned from the war and bought the property, he found the mill too small to be run with profit. In order to bring the industry onto a paying basis he placed in the mill knitting machinery, and cards and mules, with finishing machinery to match. New devices were added as soon as they were placed on the market and old ones were rejected, until to-day there is not a mill in the Union better supplied than this. All in all, the mills of the Valentine Knitting Company are typical of the changes which have occurred in methods and machinery since 1866.

The woolen mills of HOLDEN, LEONARD & CO. are the largest in Bennington. The firm manufactures ladies' dress goods, making a specialty of cloth which retails for fifty cents a yard. The mills were built in 1866 by Hunt & Tillinghast, at an expense of \$630,000. They were operated by this firm until 1873. In 1877 they were bought by S. & M. Fisher, who added one weave-shed and increased the steam plant at a cost of \$250,000. Both men died in 1883, and the mills stood idle for a few months. Finally the property was bought by Richard Haynes, who reorganized the Bennington Woolen Company. About \$50,000 was expended for improvements. The mills were operated for six months, at which time the concern failed and another period of idleness ensued. In 1889 the firm of Holden, Leonard & Co. bought the property, and expended a large sum in putting it in running order. Besides the mill,



the property includes fifty tenement houses, thirty-one acres of land, a store, and the mill in which William Campbell manufactures knit goods. Among the improvements made by the present company was the building an underground steel penstock, 1600 feet long and six feet in diameter. This brings water from a pond near the depot, and furnishes 300 of the 750 horse-power used. In the mills 300 hands are employed, and 15 sets of cards are in operation. Ten of these are 60 inches wide. The annual output amounts to \$400,000. The pay-roll amounts to \$100,000 per annum.

H. E. BRADFORD & Co., manufacturers of underwear, began business in 1854 in a little mill south of the present structure on upper Main street. In 1865 the will was burned and a one-story brick building was erected on the spot where the present mill stands. The explosion of a gasoline tank in 1874, wrecked the building and killed nine persons. When the mill was rebuilt it was considerably enlarged. When the mill was first built Mr. Bradford manufactured woolen cloths. This business was continued until 1857, when the manufacture of knit goods was begun. At that time General George S. Bradford became a member of the firm. In 1863 he retired and L. F. Abbott and John Kelso were admitted into partnership. H. E. Bradford died in 1878, and his sons, W. H. and E. W. Bradford, took his interest. In 1884 Mr. Kelso retired.

THE COOPER MANUFACTURING Co. is a large producer of knit underwear. The business was founded in 1880 by Charles Cooper & Sons. In 1886 the concern was incorporated with a capital of \$100,000. The plant includes three mills, one for carding and spinning yarns, one for knitting and finishing and one for manufacturing ribbed underwear. Eight sets of machinery are operated. The output is about three hundred dozen garments daily. About two hundred and twenty-five hands are employed.

The firm of GEORGE ROCKWOOD & Co. was established in 1863, for the manufacture of knit goods. The plant comprises the mill proper, box shop, storehouse and warehouses. The products include scarlet, white and natural colored underwear. The goods go directly from the mill to the trade. The annual output amounts to \$150,000. About one hundred hands are employed. The firm once manufactured hosiery but that branch of the industry was dropped after a few years.

THE LASHER STOCKING Co., started in 1892, manufactures men's half-hose. Both the hose and the Lasher machine are patented. The firm is the only manufacturers of the Lasher stocking in the world. The annual output amounts to \$100,000.

CHARLES COOPER, manufacturer of automatic knitting machinery for ribbed goods, full fashioned shirts and drawers, and spring knitting-needles, moved his factory from Thompsonville, Conn., to Bennington in 1869, and began the manufacture of needles in a part of the factory now occupied by Olin Scott. The firm of Tiffany & Cooper was formed at this time. Upon leaving the Scott building, the firm erected the works now occupied by it. The co-partnership was dissolved in 1886. Mr. Cooper produces from 8,000,000 to 10,000,000 needles per year.

W. PUTNAM is an extensive manufacturer of patented articles, such as wringers, and bottle stoppers. A grist-mill is also operated. In all about fifty men are employed.

THE CAMPBELL KNITTING MILL was first operated in 1890, under the proprietorship of William Campbell. Mr. Campbell manufactures jersey ribbed underwear from natural gray and combed peelers, and Egyptian and fine worsted yarn. In 1892 an increased business demanded more room, and an addition to the mill, comprising an office, storage and yarn-room, was built.

THE BENNINGTON KNITTING Co., manufacturers of knit underwear, was organized in 1887, as the Stark Knitting Company. The present organization succeeded it in 1890.

E. TIFFANY & SONS, manufacturers of machinery for the manufacture of ribbed shirt cuffs, drawer buttons, shirt borders and full-fashioned shirts and drawers, was established in 1886, when Mr. Tiffany dissolved partnership with Charles Cooper. The firm has taken out twenty-five valuable patents.

The only pottery manufacturer in Bennington is the EDWARD NORTON COMPANY. The business was started in 1793 by Captain Edward Norton, who came from Goshen, Conn. Subsequently the business passed into the hands of his sons, Luman and John Norton. John eventually left the business, and the pottery came into the hands of Luman Norton and his son, Julius. The works were burned in 1845, but were soon after rebuilt. At that time the firm was Norton & Fenton, the elder Norton having retired. A little later, Julius became the sole proprietor. In 1851, Edward Norton became a partner, and the firm-name was J. & E. Norton. Still later, Luman Norton was admitted, and the firm was known as J. Norton & Company. In 1861, Julius Norton died, and the firm was conducted under the name of E. & L. P. Norton. The pottery was again burned in 1894, but was immediately rebuilt. Then the firm came under the name of the Edward Norton Company.

THE OLIN SCOTT MACHINERY MANUFACTORY is the outgrowth of the old Bennington iron foundry started in 1810. Dr. Scott bought the foundry in 1863, and in 1865 added the old Eagle iron foundry and machine shop. The present manufacturers include wood pulp, paper, gunpowder and marble-working machinery, turbine wheels and general millwright work. At present, the production of paper-making machinery comprises the larger part of the industry. Mr. Scott is the sole inventor and manufacturer of the New England pulp wood grinder, which is extensively used in the United States.

THE STARK PAPER CO., in North Bennington, is one of the oldest institutions in the town. In 1833 Edward M. Welling started a grist-mill here. Later the institution was turned into a starch factory, and in 1856 C. E. Welling and Charles Thatcher took charge of it and transposed it into a paper-mill, known as the Paran Creek Mill. Edward M. Welling died in 1875, and in 1879 the present company was formed succeeding Thatcher & Welling in the Paran Creek Mill and C. E. Welling in what is known as the State Line Mill. This mill is located about a mile and three-quarters from the village. The latter was started by the Orrs, of Troy, over fifty years ago, and previous to 1844 was run by A. & W. Orr and Austin. About 1863 they sold to David Hunter & Co., and later the property was destroyed by fire. A company was then formed comprising Hunter, Park and Houghton. They sold to Charles E. Welling in 1875. In 1879 the property was again sold to the Stark Paper Company. The company manufactures curtains, hanging and manilla paper.

**SOUTH SHAFTSBURY.**—THE EAGLE SQUARE MANUFACTURING CO. is the principle industry in South Shaftsbury. The concern manufactures iron and steel squares, building material, iron bedsteads, sashes, blinds, mouldings, etc. The business was begun by Daniel J. George in 1847. Mr. George died in 1864 and was succeeded as president of the company by Thomas R. Sexton. Mr. Sexton died in 1867 and was in turn succeeded by A. B. Gardner. In 1875 the capital stock was increased to \$60,000. The works were burned twice: once in 1860 and again in 1880. The buildings, five in number, cover nearly an acre of ground. About one hundred men are employed. The output is approximately as follows: Squares, \$80,000 bedsteads, 38,000 in number; sashes, blinds and mouldings, \$25,000.

## CHAPTER CXIX.

### SWANTON, BARRE AND ST. ALBANS.

BY E. V. N. HARWOOD.



SWANTON is a Franklin county town which has never experienced even the shadow of a boom, and its steady, prosperous growth has consequently been of a strong, healthy nature. The fall of the Missisquoi river furnishing, as it does, an extensive water power, has drawn to this town a good number of manufacturing interests which otherwise would have sought a more favorable location. In fact the growth which began in 1785, when Ira Allen and the Green Mountain Boys started a saw-mill here, has never abated.

The town's oldest industry is the business of the BARNEY MARBLE COMPANY, which was established in 1848 by the late George Barney, for Free Masons' Hall, Grand street, New York. It is only in recent years, however, that the colored marbles were discovered and quarried by George and R. L. Barney. The former died, and the latter carried on the business a few years, when John F. Baxter, of Rutland, with other capitalists, bought in the quarry and organized the Barney Marble Company. The new concern, under Mr. Baxter's management, modernized the plant and developed the quarries. The demand is beyond the present capacity and extensive enlargements are contemplated. The quarry is a mile from the mill, and produces variegated and colored marbles of fine texture. About one hundred men are employed.

E. W. JEWETT & SONS are extensive manufacturers of the Beeman wire buckles. These buckles are made by an automatic machine that helps itself from a coil of wire, and turns out the buckle all complete at the rate of fifty a minute. The capacity is one hundred double gross a day. The Swanton Suspender Company has the exclusive use of this buckle for suspenders, but large quantities of a cheaper grade are used by overall factories, three of the largest concerns of this kind in the country having standing orders. Loops, slides and tips are among other furnishings for suspenders and overalls made by this company.

THE SWANTON SUSPENDER CO. began business in 1884. The company's specialty is the Atwood suspender, the chief claims for which are its simplicity and comfort. The peculiarity is an adjustable connection web in the back, non-elastic web on the shoulders and the simple nickeled wire buckle. About sixty styles are made, the retail price ranging from twenty-five cents to two dollars per pair. The first floor of the building is devoted to a store-room and packing department, together with an office. The second floor is occupied by the girls, who operate thirty machines.

THE ATWOOD MANUFACTURING CO. is also engaged in this line of business.



The company was originally organized to make a single piece sheet metal buckle. This met with considerable favor with the western trade and a large business was done until the machinery and dies were destroyed by fire, when the factory was turned over to the manufacture of suspenders. These include a large number of styles. The Babbitt mill, at the end of the bridge over the Missisquoi river, has been bought by President Rixford and fitted up for this business.

One of Swanton's leading and most important industries is the manufacture of lime. This is not so noticeable as some other industries, owing to the fact that it is somewhat remote from the business centre. A large number of men find employment at the three extensive kilns in operation, around which little communities have sprung up. The kilns of W. B. Fonda are located on the Central Vermont Railroad, near Swanton Junction. This is an old establishment and does a large business. A half mile from this point are the kilns established in 1850 by the late C. W. Rich, now operated by John P. Rich. Mr. Rich also owns kilns near the village, on the St. Johnsbury and Lake Champlain road. The supply of rock is said to be inexhaustible, and the lime of a superior quality.

A place of special interest to farmers is the custom mill of A. Lapelle. From Canada, from the islands and from points as far south as Georgia, Vt., farmers bring their grain to this mill. The proprietor has followed this vocation for many years, and was once foreman of the Hartwell mills at Plattsburgh, N. Y. In 1876 he purchased the present mill, and rebuilt and modernized it, until now it is one of the best custom mills in northern Vermont. Mr. Lapelle makes a specialty of granulated corn-meal and new-process buckwheat flour. An improvement recently added is a machine for extracting cockle and French peas from wheat. Three water-wheels, indicating 60 horse-power, furnish the mill with a grinding capacity of one thousand bushels of grain in twelve hours.

The custom mill of GEORGE WEBSTER & SONS is of a different nature, this firm being engaged in the lumber business. The mill is located on the site of the old iron bloom-forge, and is supplied with modern sawing appliances. A feed mill, operated by A. C. Dunbar, is located in the same building.

**BARRE.**—The manufacturing industries of this city centre about the working of granite, and, while there are a few more manufactured productions contained in the list, the largest amount of capital naturally finds its way into the working up of stone. Of granite companies there are many representing all degrees of financial condition, but for the most part they are generally prosperous. As granite has been the mainstay of Barre, and, as it was responsible for the sudden growth of the town not many years ago, it is but natural that one would look to it for the larger capitalized corporations.

The granite business of MARR & GORDON was organized June 1, 1883. The quarry, which is located on Millstone Hill, and which covers six acres of land, produces a dark stone suitable for monumental purposes. The working sheds are located on the west side of the tracks of the Central Vermont Railroad. About one hundred men are employed here and at the quarry.

The LANGDON GRANITE COMPANY was incorporated in 1887, under the name of the Monumental Granite Company. The change in name came in 1890. While the capital stock is but \$1,000, the company owns one hundred and fifty-six acres of quarry land and produces five thousand cubic feet of stone a month. About sixty men are given employment.

The firm of WELLS & LAMSON was organized in January, 1883, by S. O. Wells,

formerly a member of the firm of Smith & Wells. In 1891 Mr. Wells retired from the firm, and his interest was taken by George Lamson and J. K. Pirie. The old name was retained. In 1892 five acres of land located in North Barre were purchased and a new plant was built and supplied with a traveling crane with a daily capacity of twenty-five tons. About eighty men are employed.

THE GRANITE CITY COLUMN CUTTING WORKS, started in 1880 by W. A. Lane, manufactures granite columns, urns, vases and all kind of turned work. Two lathes are operated. Mr. Lane is the inventor of the Granite City polishing machine used in the manufacture of granite and other stone pieces.

THE VERMONT GRANITE COMPANY, organized April 1, 1887, is a successor to the firm of White Brothers, who began business in Barre in 1882. The company operates two quarries on Millstone Hill and owns more than eighty acres of quarry land. About one hundred men are employed.

Among other manufacturing concerns are those of Smith, Whitcomb & Cook and Whitcomb Brothers. Both manufacture water-wheels, etc.

**ST. ALBANS.**—While St. Albans is virtually a railroad city in every sense of the word, it is, nevertheless, a manufacturing centre of no mean consequence. Outside of the car shops of the Central Vermont Railroad, the principle industries are the concerns of the Williard Manufacturing Company, St. Alban's Foundry, the Franklin County Creamery Association and the Fletcher Granite Company.

THE WILLIARD MANUFACTURING CO. are makers of butchers' frocks, bar and waiters' frocks, reefers, water-proof and summer coats, vests and trousers, and bicycle, golf, base and football clothing. The firm is also an importer of linens and a converter of cottons. The business was begun in Swanton in the eighties, where it was known under the name of R. S. Williard & Company. January 1, 1886, it was moved from Swanton to St. Albans, and in June of that year the firm was incorporated under its present name. The capital stock allowed by the charter is \$300,000. Of this, \$100,000 has been issued and \$75,000 paid in. The present building is a large three-story affair, located on the corner of Stowell and Allen streets. The company makes a speciality of medium grade goods, and claims to be the largest manufacturer of bar coats in America. Crash suits are also extensively made. The business is rapidly increasing, and more hands are continually being worked. At present two hundred girls and twenty-five men are employed. The annual output amounts to \$750,000.

THE ST. ALBANS FOUNDRY CO. was started in the forties by W. C. Smith and Gardner Smith. The firm manufactures exclusively car wheels and all sorts of iron castings. In 1850 the foundry was burned, and immediately a larger one was built. The ownership changed hands several times until 1877, when W. C. Smith became the sole proprietor. In 1890 the foundry was incorporated, with a capital stock of \$60,000. Ten years ago the manufacture of agricultural implements was begun, in addition to the casting of car wheels and iron work. This has become the leading feature of the business. These implements include horse-power, threshing and sawing machines and fodder shredders. The firm is a heavy exporter, receiving large orders from Siberia and Mexico, as well as from other foreign countries. The foundry was enlarged three years ago by adding to it a third story, thus quadrupling its capacity. The building and lumber yard cover an area of 91,000 square feet. About one hundred men are employed. The annual output amounts to \$200,000.

THE FRANKLIN COUNTY CREAMERY ASSOCIATION claims to be the largest butter producer in America, and the second largest concern of its kind in the world.

The business was started in 1890, and to-day the association has eighty separators scattered over the county. The cream from these is brought to the creamery by train and wagon, and there converted into butter. The concern owns its own cold storage and grist mill, operates fourteen churns with a capacity of 2,750,000 pounds of butter per year. This is valued at \$500,000. Cream from milk taken from nineteen thousand cows is used daily. The butter finds a market in the principal cities in New England.

**HYDE PARK.\***—Vermont might well rest her reputation for excellence upon her scales, her organs, her marble and her maple sugar, for she leads the world in all of them.

But there is still another article of commerce in which she holds the acknowledged leadership, to wit, green calf skins. Go wherever you will—be it America, Europe or Western Asia—and you will find green calf skins which came from Hyde Park, Vermont.

In this village are gathered the skins of the calves from Saskatchewan on the north to Mexico on the south, from the state of Washington on the west to Nova Scotia on the east. Hundreds of thousands annually are here collected, cured, subdivided into weights, qualities and grades adapted to shoes, pocketbooks, drum-heads, and every conceivable specialty, and thence shipped to the tanneries of both continents.

This business was commenced in 1855, in an unpretentious way; but, little by little, for forty-two years the circle from which collections have been drawn has been enlarged; little by little has the magnitude of the business increased, until to-day it is everywhere recognized as the largest in the world, despite the fact that Hyde Park is fully two hundred and fifty miles from any large business centre. How or why such a phenomenal growth in such an out-of-the-way place could ever have been developed is a mystery, and affords an object lesson for the study of those who like to try to account for strange things.

\* By Carroll S. Page.





## CHAPTER CXX.

### THE FAIRBANKS SCALE INDUSTRY.

BY EDWARD T. FAIRBANKS.

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T. JOHNSBURY, Vt., picturesque in situation, but for fifty years unimportant among neighboring towns of Caledonia County, was granted by Governor Chittenden to Dr. Jonathan Arnold, of Rhode Island, October 27, 1786, and received its name at the suggestion of Ethan Allen from Hector St. John de Crevecoeur, French consul at New York. In 1815, Joseph Fairbanks, of Brimfield, Mass., in the sixth generation from "Jonathan ffayerbancke" of Dedham, 1636, came to St. Johnsbury and set up a grist and saw mill on a small stream known as West Brook. His sons having a practical and mechanical turn of mind, employed themselves in a small wheelwright and foundry business, which in time developed into a manufactory of hoes, pitchforks, cast-iron plows and stoves.

In 1830, having gained a reputation for skill and reliability, they were awarded a contract for making hemp-dressing machines, required by a new industry then springing up. This presently necessitated some means of weighing rough hemp by wagon loads. A rude apparatus was therefore contrived by Thaddeus Fairbanks, second son of Joseph, by which chains dropping from a steelyard beam suspended on a high frame could grapple the wheel axles, lift the load and get its weight approximately. This arrangement answered the purpose fairly well, but it was too awkward and inefficient to suit the mind of the man; he thought something better might be devised, and while exercising his ingenuity upon it, he caught the idea, wholly novel to him, of a platform resting on levers, which embodied the principle of what is now known as the platform scale. Indeed, though not suspected, a new age had dawned. The ancient reign of Astræa was disturbed; the steelyard of old Rome was taking its departure. The new scale was at hand, getting ready to lift the loaded train from the track as a very little thing; to bear on its platform the light or ponderous traffic of the world.

In making the first scale a pit was dug in which was placed a triangular lever, suspended at its point from a steelyard beam; on this was balanced a platform level with the ground, held in position by chains attached to posts. A team could then be driven on and the weight determined. This was a clumsy affair, but for practical use it was so much better than anything then existing, that a patent was applied for. Some machines were made and an agent was engaged to try and sell them. "He was to take the stage at 3 o'clock in the morning, and Mr. Fairbanks sat up to call him and to start a fire for breakfast. He was thinking how to build and improve his scales, when it occurred to him that with two A-shaped levers, or four straight levers meeting at the steelyard rod, or hanging from one that hung upon the steelyard rod,

he could secure four knife-edge supports for his platform, from all of which the leverage as related to the steelyard beam might be the same. As a practical weighing machine that was the birth of the modern scale."

"Mr. Fairbanks quietly woke the agent, saying that he need not go for a few days, told his wife there would be no early breakfast to get, as he had a plan that he thought was very valuable, and rested—from that hour the leading scale-maker of the world." It is worthy of remark, that as early as 1826 Thaddeus Fairbanks had patented the cast-iron plow, regarded at that time with suspicion by farmers; also the Fairbanks cook stove. He was also the original inventor of the method now universally adopted in construction of refrigerators, but having neither time nor capital to give to this, he relinquished his rights in it. He received in his lifetime thirty-four patents.

The original platform scales of 1830 were built of wood, and were soon introduced as town hay scales among the villages of Vermont. Nothing further than this was at the time contemplated. But it appeared that the principle was capable of much wider application. New styles and sorts were gradually invented, including at first portable platform, warehouse and counter scales, and later, railroad track, canal, elevator and live-stock scales; also postal and druggist balances; comprising many hundred varieties, and ranging from one-tenth of a grain to five hundred tons. One result of the introduction of these weighing machines was an entire change in methods of trade transactions, the old fashion of measure and count giving way to that of weight, whether of hay, coal, grain, or live stock. It is on record at the United States Patent Office that the track scale has effected a complete revolution in railway transportation.

A serious difficulty in the early days of scale-making was that of construction. Nearly every thing had to be made by the inventor, till men could be trained to the work. This was done in two or three inadequate shops or sheds. "There were no tools except for half a dozen blacksmiths, and one old wooden bed lathe, and later, a few vises and anvils found in a Boston junk shop." Neither was there any capital to speak of. As Mr. Fairbanks once remarked, to make everything out of nothing was a difficult task; a task withal that might never have been achieved had not his ingenuity, tenacity and mechanical skill been supplemented by the remarkable business and executive abilities of his brothers.

In 1834, the three brothers, Erastus, Thaddeus and Joseph P., founded the firm of E. and T. Fairbanks & Co. They were men of strong individuality, serious-minded, plain in habit, profoundly conscientious, most happily adapted to each other in the partnership. Joseph, fifteen years younger than Erastus, had a quick, strong, capacious mind, remarkably well balanced, and made brilliant attainments in law, business, science, history, literature and practical life in all its phases. In finance, in details of the counting-room, in all delicate dealings with men and corporations, his sagacity, alertness of thought and sound judgment won the public confidence and gave steadiness and solid quality to the business. But his intensity of application proved fatal; he died in 1855 at the age of forty-eight, universally beloved for the worth and beauty of his character, and for a beneficence that few could equal. Erastus, the elder brother, was for thirty years, *i. e.*, till his death, the head of the firm. He was a born leader, well trained in the early school of adversity, a man of indomitable purpose, large views, solidity of personal character and fine presence. He became prominent in public life and a trusted leader in civil affairs; he secured the construction of the Passumpsic River Railroad of which he was first president; was made governor of Vermont in 1852; again in 1860, when on the breaking out

of the civil war the state placed a million of dollars at his disposal, relying entirely on his judgment as to its use—a mark of confidence amply justified, for his administration of state was, like that of his private business, energetic, true, firm, successful. He died in 1864, aged seventy-two years. Thaddeus, entirely averse to public life, gave his undivided work of brains and hand for fifty-five years to the mechanical department of the business, continuously advancing on his original invention, devising new applications and securing a long list of patents. He died at the age of ninety in 1886.

With three such men, of different gifts, yet of one mind; of strong character, of tenacious purposes and generous ideals, it is not difficult to account for the fine issue of their joint enterprise. The public soon learned that whatever bore the name of Fairbanks had on it the stamp of reliability. Stern integrity presided over the business, truth guided its affairs, honor entered into every detail of construction—as befitted an industry that was furnishing the world with standards of weight for business accuracy. From the first, every instrument constructed in these works embodied an ideal; it was more than a handy contrivance, it was a symbol of equity in trade; on its delicate pivots were revealed the eternal principles of right, precision, equipoise; qualities for character as well as necessities in traffic. The final touch upon each machine has always been given by the sealer, who, by affixing to it his name and the number, is made responsible for that scale. Rarely has such a thing been known as the return of a scale; the durability as well as accuracy of material and work appears in the continuous use of the scales made in the earlier years. Scale number thirty, for example, portable platform, made about 1833, and subjected to almost daily use ever since, is still in every day service of the firm to which it was originally shipped; this is mentioned as an illustrative case, which recently fell under the eye of the writer.

The matter of accuracy has of course been a supreme consideration, and from the first has received most scrutinizing attention. Not only must the trip scale for weighing silk be sensitive to the one-hundredth part of an ounce, but the canal scale of hundreds of tons must respond to the fraction of a pound. After the registering of the weight of a boat on the weighlock scale at Albany, 1856, the captain stepped on board, at which the beam indicated an addition of one hundred and seventy-five pounds. Being a portly man the captain claimed more than this for himself, and immediately went to a smaller platform scale known for its accuracy. To his surprise the beam tipped to a fraction on the figures indicated by the 840,000 pound scale. Of this Albany scale, the largest in the world, one of the New York dailies remarked, "It is a structure of consummate skill, ingenuity and mechanical truth; continually in use, subjected to most severe tests, doing its work quickly and with scrupulous nicety, settling by its unerring register on the beam all conflicting questions of weight and toll."

At the time the scale industry was started St. Johnsbury was a small town inconveniently situated for traffic of any sort. All supplies as well as finished products had to be hauled on horse teams to and from Portland or Boston. As the business increased the town began to feel the pulse of new life. Property values advanced, skilled workmen came in, none but sound, intelligent, moral, temperate men were employed; but these were paid generously and personal interest was taken in them and in their families. A reading-room and library was provided for them, and evening lectures were given, sometimes in the new shops. An academy was built and supported entirely by the firm. Education, good order, religion were cherished in every way. Liberal benefactions began to go out in all directions, and the repre-



sentatives of benevolent societies soon found the way to this little village up in Vermont. St. Johnsbury finally became the shire town of Caledonia county, railway junction and business and educational centre of Northern Vermont.

From 1842 to 1857 the business doubled in volume every three years. It shared with other industries the financial stress of the latter date; grew with great rapidity during and after the civil war, and with steady advance till 1893. Meantime the original firm was enlarged; in 1843 Horace and in 1856 Franklin, both sons of Erastus, became partners. Horace, from the date of the incorporation in 1874 till his death in 1888 was president, and in all forty-five years an officer in the business. He was also president of the First National Bank, director in the Tamarack Mining Company, and one of the twenty-six incorporators of the Maritime Canal Company of Nicaragua. He was a leader in securing construction of railway connecting Portland and Ogdensburg *via* White Mountain notch, of the Vermont Division of which he was president. He was elected Governor of Vermont by a decisive vote for the two years, 1876-7.

The younger brother, Franklin, was fifty years actively in the business, at first chiefly in the mechanical departments, to which he contributed some important patents; later with larger responsibilities as superintendent and president of the corporation. He also filled important positions of trust and honor elsewhere, both in business, political and religious bodies, till his death, in 1895, at the age of sixty-eight years. Another brother, Charles, was partner in the New York house for several years, but since 1858 has resided abroad. William P. Fairbanks, son of Joseph P., was partner for some twenty-five years: a man of superior business capacity: secretary and treasurer of the corporation at St. Johnsbury, and later in the branch house at New York, where he died in 1895. At the present date (1897) the only survivor bearing the family name, and in the business at St. Johnsbury, is Henry, son of Thaddeus, also an inventor, now vice-president; his son, Robert, is in the New York house.

The founders and managers of the scale business built dignified and beautiful homes on happily selected sites, adorned with ample landscape gardening, fine architecture and artistic interiors. But this is not all that they built in the town of their love. Nearly all the churches shared their beneficence; one of them, the finest architecturally, in northern New England. The academy which they had founded and sustained for thirty years came to need larger and superior equipment. Accordingly, in 1872, Sir Thaddeus Fairbanks, whose personal gifts to the institution aggregated some \$200,000, erected new and commodious structures of brick, with appointments and curriculum corresponding. St. Johnsbury Academy quickly took rank as the first in the state, and among the best in New England, having thirteen instructors, three hundred pupils, and an endowment from E. & T. Fairbanks & Co., of \$100,000.

Meantime another institution was taking shape. St. Johnsbury Athenæum, the first free town library in Vermont, was built, furnished, endowed and presented to the town in 1871, by Gov. Horace Fairbanks. The building, in a commanding position, and of noble style, contains lecture hall, art gallery, reading-rooms, current periodicals, and fourteen thousand volumes. About sixty representative works in canvas, marble and bronze are grouped in the art gallery, the central object of interest being Bierstadt's "Domes of the Yosemite," one of his well known masterpieces. Here, too, is a valuable collection of photographs and illustrated works on painting, sculpture and architecture.

Interesting and valuable as auxiliary to the other educational institutions of the

town is the Fairbanks Museum of Natural Science, a spacious Romanesque structure, erected by Col. Franklin Fairbanks, in which are stored collections of a very superior order in natural, scientific, ethnological and other departments, with hall, class-room and various facilities for study. Both Athenæum and Museum are liberally endowed.

Besides these two institutions, and mainly from the same source, St. Johnsbury has received its Music Hall, now the property of the Y. M. C. A., to which Prof. Henry Fairbanks has added the gift of the Y. M. C. A. building, with gymnasium, reading room, hall and parlors, a fine structure in the heart of the village, and headquarters of much of its young life.

The Fairbanks scales have long been the standard both in this country and abroad. They are used on nearly all the railroads, adopted in all government departments and public works and in the leading mercantile and manufacturing establishments of the United States. The Postal Service requires a very large number; a single order at one time was filled on short notice for three thousand scales of range from ounces to tons. Travellers find the St. Johnsbury, Vt., weighing machines used in West Indies, South America, Mexico, Canada, Russia, Sweden, Denmark, Germany, Switzerland, Italy, France, Turkey, India, Australia, Japan, China. They are announced as standard in the Japanese Postal Service, and in the Chinese Imperial Customs. "Till the arrival of the Fairbanks scales," says a resident in North China, "fifteen per cent. of my salary was absorbed in coal; we are now satisfied with the weight."

Fine exhibits have been made of these machines, and highest awards rendered at eight international expositions, including those of London, Paris, Vienna, Philadelphia and Chicago. At the Centennial, in 1876, there were one hundred and ninety-four complete scales, with as many more supplementary articles; at the Columbian, in 1893, the exhibit required three thousand square feet on the floor of the Liberal Arts building. In this collection was seen scale No. 421, made and sold in 1843, owned and used by five successive parties, survivor of a fire in 1849, repurchased by the manufacturers in 1893, and in its then weather-beaten estate able to lift its beam and magnify its office among stylish competitors of latest finish, as finely as fifty years before in the Polk and Clay campaign.

Besides furnishing scales for official use at the Chicago Exposition, the Fairbanks Company displayed sixty-three medals of award, of which eight were gold, thirty-two silver; among them nineteen from foreign countries.

It should be added that after the Vienna Exposition Mr. Thaddeus Fairbanks, as inventor of the scale, was knighted by the Austrian Emperor, who, through Baron von Lichtenfels, forwarded to him the decoration of the Imperial Order of Francis Joseph. He also received from the King of Siam the golden medal and decoration of Puspamala, and from the Bey of Tunis the diploma and decoration of Nishan el Iftikar, Commander. Being an excessively modest man, not fond of titles or display, he had no use for things of this sort; but his men and town folk would not let him elude the stroke of honor; to the day of his death he was known and affectionately venerated as Sir Thaddeus.

The largest weighing machine in the world is the five hundred ton Fairbanks weighlock, erected at Albany, N. Y., about 1854. In 1894 the Watervliet Arsenal scale was built at Troy, for weighing guns in process of manufacture. This has the greatest capacity for the size of its platform of any scale ever made, viz., six hundred thousand pounds on a twelve by fifteen feet platform, *i. e.*, one thousand six hundred and sixty-six pounds to the square foot. These were entirely manufactured at the St. Johnsbury works, and represent maximum capacities. The minimum is seen in

the assayer's scale graduated to one-tenth of a grain. Between these extremes the code numbers cover two thousand varieties, but these in actual manufacture have been further modified to include, under different standards and special orders, not less than ten thousand varieties. Many of these are for foreign markets, graduated variously to kilograms, libras, poods, pfunds, skalpunds, okas, catties, etc., according to the country they are to go to. Patterns aggregating many thousands are stored in the fire-proof warehouse, also photographs, prints, diagrams of all that goes out from the factory.

The corporation has a record of ownership of one hundred and thirteen patents. Of these, besides the thirty-three issued to members of the firm, forty-four were taken out by employees. The relations between the men and their employers have always been cordial and mutually helpful. Some, both as overseers and ordinary workmen, have been thirty and forty years in the works; many of them own valuable homes in the village. The maximum number of employees at the St. Johnsbury factory is about seven hundred; many more are on the road and in the branch houses. Of these the principal are the Fairbanks Company, New York, and the Fairbanks, Morse & Company, Chicago, with warehouses in the larger cities of the country. The St. Johnsbury firm was re-organized into a stock company in 1874, and has a capital of \$2,500,000: H. N. Turner, superintendent; Samuel N. Brown, of Boston, president. The largest annual output of the scales was listed at three million dollars.

While St. Johnsbury owes its prosperity chiefly to the scale industry, others have had proportionate share in the public interest. Of these the Ely Hoe and Fork Works have been longest in continuous operation. Founded in 1848, by George W. Ely, and continued by his sons, George and Henry, this industry has always held a high rank, both as to the character of the firm and the excellent quality of its product. Here are manufactured hoes, rakes, forks, root-diggers, of all varieties, and of superior grade; requiring annually two hundred tons of steel, ten thousand feet of lumber, and about fifty employees. The works have twice been burned, but rebuilt with modern improvements. They stand on the old hemp mill privilege on Moose river, where the platform scale came to birth. The president of the corporation is Henry G. Ely. The goods are marketed in all parts of the United States, Canada, and more remote foreign countries.

Iron works were established as early as 1828 on Passumpsic river by Huxham Paddock, in the village that bears his name; they were carried on successively by his son, John H. Paddock, and later by Alexander and Daniel Thompson. These works included foundries and machine shops in which were manufactured many varieties of small machinery, shafting, gearing, etc., for which there was much demand in New England and Canada. The same water-power has been utilized for the manufacture of sash, blinds, doors, etc., by different parties. Here, too, are the extensive flouring mills of A. H. McLeod & Co., doing an annual business of \$70,000 and more. The enterprising furniture industry of Jones & Shields is on the same stream, lower down, and on the meadows are the dressing mills of the Northern Lumber Company, Chas. H. Stevens, president, with an annual output of 12,000,000 feet of lumber. The Miller & Ryan Carriage Works turn out in good times some fifty sleighs and two hundred buggies, of various styles, a year. These are of superior quality, and marketed as far west as Minneapolis. The annual business amounts to \$25,000. Granite and marble works, brass foundry, file manufactory, straw board works, and other small but successful industries have each added their share to the business interests of St. Johnsbury. The population of the town is about 6600.





*Frederick Billings*



## CHAPTER CXXI.

### BIOGRAPHICAL.

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#### FREDERICK BILLINGS.

**A**MONG the distinguished sons of New England who have gone out to mingle in the activities of the world, Mr. Billings won a place in the front rank. The son of Oel Billings, he was born in Royalton, Vermont, September 27, 1823, and wherever he was known, in his native state, in California and in New York, in each of which places he at different periods had his home, he was prominent in the various fields of law, philanthropy and business enterprise. His death, which occurred in Woodstock, Vermont, September 30, 1890, was mourned with a depth and sincerity rarely witnessed in these days, when the thoughts of men are absorbed in the busy pursuits of active life.

When Mr. Billings was a lad his father removed from Royalton to Woodstock, where for many years he held the office of register of probate for Windsor county. Mr. Billings received his early education in the public schools of these two towns, and graduated at the University of Vermont in 1844. He studied law in the office of O. P. Chandler, a leading lawyer in Woodstock, and soon after his admission to the bar, went with a brother-in-law to California, the news of whose gold fields led him to believe that a favorable field for a professional career could be found in that new territory. Arriving in California in 1849, he was the first lawyer to open an office in San Francisco, and among his first clients was Sutter, the Swiss pioneer, on whose estate gold was first discovered. At a later date he entered into partnership with A. C. Peachy, a lawyer from Virginia. Henry W. Halleck, a captain in the United States Army, gave up his commission in 1854, and, entering the firm, remained a member until the outbreak of the Rebellion, when he re-entered the service at the request of General Scott, and became one of the leading military chieftains of the war. The firm of Halleck, Peachy & Billings was for some years a leading one in the new Pacific state, and enjoyed its full share of that business in law, which necessarily became one of magnitude in a community with unformed and disturbed conditions of social and business life.

Mr. Billings continued in practice until 1863, when business enterprises demanded the bestowment of all his time and energies. Possessing unusual powers of oratory, he had not only won distinction at the bar, but in the critical season of 1860, when California seemed to weaken the ties which bound her to the Union, in company with Thomas Starr King, he made a campaign through the state, and was signally effective in his appeals to the people to stand by the flag.

In 1865 Mr. Billings returned East with the intention of taking up his residence in Woodstock his old home. He was persuaded, however, to take an interest in the Northern Pacific Railroad, and bore a leading part in reorganizing the company after



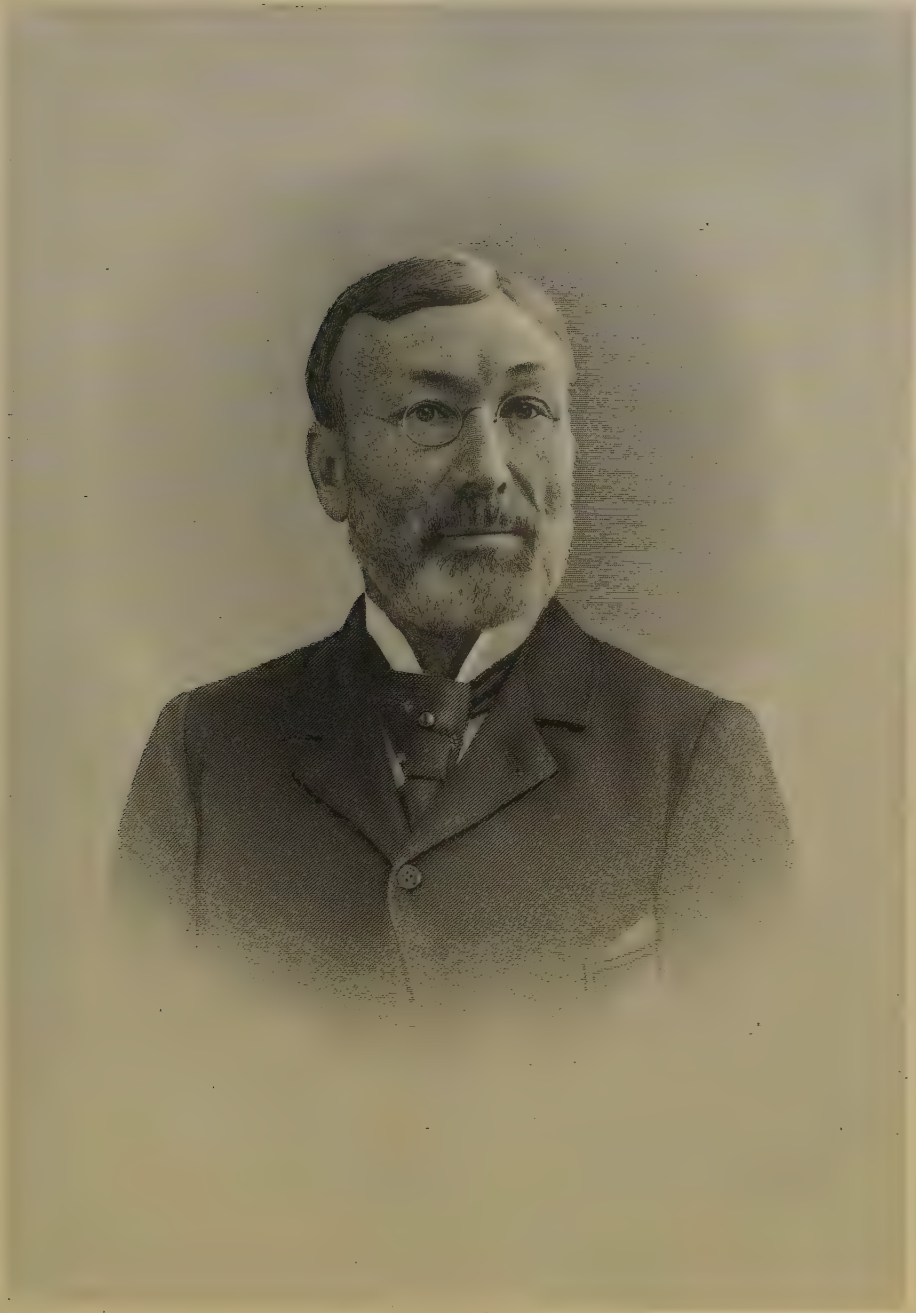
the failure of Jay Cooke. His practical knowledge of the Pacific coast, and his familiarity with the region, which the road was to traverse, proved to be of the greatest value to the company, and after several years' service in promoting its interests, he was elected its president in September, 1879. He resigned the office of President in 1881, but remained a director of the company until within a few months of his death.

Mr. Billings, though an ardent Republican, never manifested any special desire for political office and movements made at various times, looking to his appointment, were made without any active participation by him. He was attorney-general of California in 1851 and 1852, and at the beginning of President Lincoln's second term, the California delegation in Congress urged the selection of a representative of their state for a seat in the Cabinet, and Mr. Billings was unanimously recommended for the position. It is said that two days before the assassination of the President, he assured a member of the delegation that their request would be complied with. After the inauguration of President Johnson, the legislature of California passed a resolution, requesting the appointment of Mr. Billings to a cabinet position. No stronger evidence can be adduced of the high estimate in which he was held in the locality, which for many years had been his home. He represented Vermont as a delegate at large in the Republican National Conventions of 1880 and 1884, and in the former eloquently presented the name of George F. Edmunds as a candidate for the Presidential nomination. He was also frequently and favorably mentioned both for a nomination for Governor and for United States Senator to succeed Justin S. Morrill.

Aside from his profession of law and politics, and his connection with the Northern Pacific Railroad, his well-known abilities were sought in the administration of the affairs of various financial associations and public enterprises, calculated to open and develop the resources of the country. He was one of the incorporators of the Nicaragua Canal, and had faith in the possibilities of the project. He was also a director of the Delaware and Hudson Canal Company, the Connecticut River Railroad, the Vermont Valley Railroad, the Sullivan Railroad, the Passumpsic Railroad, and the Rutland Railroad. Besides these positions, he held those of a director in the American Exchange National Bank, the Farmers' Loan and Trust Company, the Manhattan Life Insurance Company, the Manhattan Savings Institution, the Presbyterian General Hospital, and the Hospital for the Ruptured and Crippled, all of New York city, and of the Woodstock National Bank, in Woodstock, Vt. In his connection with social life he was a member of the Union League, the Century and Lawyers' Clubs in New York, and also a member of the New York Chamber of Commerce.

His ability as a man of affairs is well attested by a brother lawyer in San Francisco, who says "there was not his peer in that city as an all-round man while he lived there, and there has not been since he left. If his tastes had led him into political life, there is no place which he would not have graced."

Mr. Billings acquired in law and in business a handsome fortune, a large portion of which he devoted during his life to charitable purposes. During the summer of 1890 he gave fifty thousand dollars to Amherst College, and a like amount to Mr. Moody's school, in Northfield, Vt., and also to the library of his *alma mater*, the University of Vermont. He had previously erected a building for the accommodation of the University Library, at a cost of two hundred thousand dollars, and added to its contents by the purchase and contribution of the valuable private library of the distinguished philologist, George P. Marsh. He also expended more than forty



*S. D. Griffith*





thousand dollars in enlarging and remodeling the Congregational Church in Woodstock, and erected a memorial chapel in honor of his father and mother. In the town of Billings, Montana, named after himself, he built also a church for the Congregational Society. These, however, were only his prominent gifts. His private charities were as numerous as the needs of the poor and suffering. They fell like the rain wherever hope was failing and life was becoming a burden, and gave comfort and joy to the afflicted and desponding. He was, indeed, a worthy instrument in the hand of Providence to elevate and brighten the lives of his fellow-men.

Mr. Billings married March 31, 1862, Julia, daughter of Dr. Eleazar Parmly, of New York city, and had seven children, five of whom were living at the time of his death.

### SILAS L. GRIFFITH.

**S**ILAS L. GRIFFITH was born in Danby, Vt., June 27, 1837, and has always made that town his home. He is the son of the late David Griffith and Sophia H. (Hadwen) Griffith, who were natives of Danby, and who spent their days there. After an active life extending over a period of sixty-two years, David Griffith died April 16, 1867. His wife survived him until April 19, 1890, when she died at the age of eighty-two years. They left four children: Charles H., Silas L., William B. and Mary E. Griffith, all of whom are living.

Silas L. Griffith spent his boyhood on his father's farm, where he worked long and faithfully in order that he might supplement his district school education with branches of study found at an academy. In order to do this money must be forthcoming; but currency was scarce in those days, and when the boy's father offered the young man and his brother a pair of young steers, and two years' keeping for them, if the boys would rear a lot of sickly calves, the bargain was immediately struck. By means of careful nursing, and no little labor, the young men performed their task, and at the end of two years the steers were sold to a Wallingford man for \$80. Mr. Griffith, though then but ten years of age, immediately decided to use his money for furthering his education, and taking half the proceeds of the sale, he gave it to his parents for safe-keeping. He ultimately used the amount in paying his tuition at the Kimball Union Academy at Meriden, N. H.

The farm on which the Griffith family lived was a mile and a half west of the village at the foot of Danby Mountain. In 1850 a marble quarry was discovered on the farm, and the land together with the buildings was sold at a fair figure, and the family moved to the village, where they lived in the house now occupied by Mary E. Griffith and her brothers, Charles H. and William B. Griffith. One year after the sale of the homestead, S. L. Griffith received an offer from an uncle, Jesse Lapham, to enter the employ of the general merchandise store of Lapham & Bruce, at Danby village. He was to receive for his first year's services \$40 and his board, and the second year he was to get double the amount. Mr. Griffith accepted the offer, and began active life by learning, in a country store, the principles of business in much the same way as did Justin S. Morrill, the "Nestor of the United States Senate." It was after two years of this work that Mr. Griffith began his academic life at Meriden, and derived the technical part of his education. His aptitude and ability to absorb information manifested itself at once, and in 1854 he was graduated with the highest honors, being the only member of a large class to gain the distinction of receiving the highest mark attainable. At the end of his student life Mr. Griffith accepted a position in Dorset as clerk of what was known as the "Union Store;" here he re-

mained eighteen months, but finally becoming restless and uneasy at what he termed "an inactive life," he decided to follow the example of many young men of the period and go west. He had no ready money at his disposal, but in 1857, upon being presented by his father with \$40 in currency, he lost no time in setting out for what was then an almost unknown section of the country, and finally found himself in Buffalo, N. Y., where he stopped to visit a cousin named A. R. Vail.

While he was in Buffalo the country experienced the memorable financial panic of 1857, and Mr. Griffith was suddenly brought face to face with the fact that the public would not accept notes issued by state banks. As all that remained of the \$40 was in this specie of currency, the young man was practically penniless, but though in a strange city and without a cent in his pocket he refused to longer accept the hospitality of his relatives, and with true Yankee pluck he obtained a chance to "raft logs" up the Niagara river into Lake Erie and went to work. For this dangerous business he received one dollar a day, which he considered good wages, although at the end of the month his landlord had most of the amount in his possession. Not knowing how long the financial distress might continue, Mr. Griffith wrote to his parents explaining the situation, and, in reply, received a surprise in a letter stating that if he would return to Danby his father would send him the necessary funds, and upon his arrival he would be furnished with enough capital to start a modest store. Eventually the money was sent to Buffalo through a banker, who forwarded Canadian currency, which at that time was as good as gold. Mr. Griffith returned to Danby in the spring of 1858, and, renting an old shoe shop in the village, he spent the summer in fitting it up for use as a general merchandise store. The thousand dollars capital, promised while he was in Buffalo, was furnished Mr. Griffith by his father, together with Benjamin Barnes and Stephen Kelley, and, taking the amount in his pocket, he went to New York and laid in a stock of groceries, dry goods and notions. The store was opened in September, and it was here that Mr. Griffith began a business career, which, by keen foresight and shrewd management, eventually brought with it wealth and developed an industry which is destined to continue at least until long after the death of its founder. The business thus begun continued until 1865, when the store was sold to W. B. Griffith and the original owner entered the lumber business, in which he has been interested ever since.

While Mr. Griffith was unable to enter the army upon the breaking out of the War of the Rebellion, on account of an aged mother, he nevertheless had a habit of appearing in the Union camp whenever a battle loomed up on the military horizon, and though he was not always successful in forecasting these events, he was with the Fourth Vermont Volunteers at the close of the battle of Antietam, and was on the Fredericksburg field directly after the engagement. Mr. Griffith was with the regiment on the three days' march from Hagerstown to the Potomac, and at odd times spent many a night in camp. Considerable curiosity was expressed as to how Mr. Griffith could pass the lines, particularly after the battle of Fredericksburg, and it was not until the close of the war that it was discovered that a letter from Senator Solomon Foote and a few days' acquaintance with the clerk of the War Department had, thanks to Yankee shrewdness, furnished him with papers coveted by many a man better known in military circles in Washington.

Mr. Griffith became identified with the lumber business, more from a matter of necessity than from choice, as a firm in Dorset and another in Mount Tabor failed leaving lumber "jobs" on his hands. The prospect for developing the industry was not particularly encouraging, as the Mount Tabor "job" had twice brought financial distress to its owners, and the recent failure of the Dorset corporation had left the



*J. W. Park*





business of that concern in anything but a healthy condition. But Mr. Griffith set about building up the business in a true business way, and in a short time money was coming in much to the surprise of many who believed neither job would pay expenses and who prophesied failure at every turn. In 1869 a Massachusetts firm bought the Mount Tabor mill, but in two years had failed, and the property reverted into Mr. Griffith's hands.

About this time the spiritualistic element in Danby became more than usually pronounced, and the Spiritualists attempted to buy a controlling share in the Union Church. No one opposed them until Mr. Griffith, at the request of his mother, forestalled the purchase by gaining control of the structure. The building was repaired and handsomely furnished, and in later years was turned over by Mr. Griffith to the Congregational Society. But for this and many other beneficencies the edifice would be now in the hands of Spiritualists. Besides owing its existence to Mr. Griffith, the church is to-day practically supported by him.

In 1872 Mr. Griffith began the burning of wood for charcoal in connection with the lumber business. The venture proved to be a profitable one, and the industry continued to grow until Mr. Griffith was the largest single producer in the United States. So immense was the output of the kilns that at one time he sold in one lot 2,250,000 bushels to his life-long friend, Hon. William H. Barnum, of Lime Rock, Conn. From this time on both the charcoal and lumber business flourished, until to-day Mr. Griffith produces more lumber than any other one person in Vermont.

May 20, 1863, Mr. Griffith married, for his first wife, Libbie M. Staples, and by her had four children, one of whom, Mrs. Jennie E. Riddle, of Wallingford, is living. For his second wife Mr. Griffith married, on July 31, 1891, Miss Katie Tiel, of Philadelphia, Pa. In 1891 he built his present handsome residence and green-houses on an elevation, overlooking miles of the most picturesque valley in Vermont, and has lately constructed on the shores of Lake Griffith, a country house reached by a mountain road blasted out of the rocks at the expense of many thousand dollars. Mr. Griffith is completing an elaborate fish-hatchery two miles south of his residence, where he is already raising hundreds of thousands of fingerling trout, a part of which he presents each fall to the state, to be placed in public waters for the benefit of fishermen.



### TRENOR WILLIAM PARK.

**T**RENOR WILLIAM PARK belonged to that class of American citizens who manifest so decided a genius for business enterprises that they rise in a few years' time from a condition of poverty and obscurity to one of eminence, and the possession of great wealth. Mr. Park made two or three large fortunes during his life, and died a many-time millionaire. The story of his life is of special interest from the fact that his enterprises associated him with the history of various parts of this country, and even carried him to Panama. It was, indeed, while on a journey to the latter country that his death occurred from a stroke of paralysis, December 13, 1882.

He was born in the town of Woodford, Bennington county, Vermont, December 8, 1823, the son of Luther and Cynthia (Pratt) Park. His parents removed to the town of Bennington when he was two or three years old. They were poor, and he had few educational advantages. Between the ages of seven and thirteen we hear of him as "the bright, precocious, keen-witted boy who peddled molasses candy to supply the necessities of his household." But even with this homely occupation he

prospered in a small way, and at the age of fifteen he was the ambitious proprietor of a small candy-store in Bennington.

His aspirations, however, were much higher than this business, which he followed only as a temporary expedient. He determined to be a lawyer, began study in a law office of the town at the age of sixteen, and was admitted to the bar a few years later. He practiced with great success in Bennington until 1852, when a political appointment changed the current of his life.

Mr. Park had been married on the 15th of December, 1846, to Laura Hall, daughter of Hon. Hiland Hall, of Bennington. The latter served ten years in Congress, four years as bank commissioner of Vermont, four more as judge of the Supreme Court of that state, and was appointed second comptroller of the United States Treasury. In 1851, President Fillmore appointed him chairman of the United States Land Commission of California, to settle disputed land titles in the territory newly acquired from Mexico. This appointment of his father-in-law induced Mr. Park to remove to California in the spring of 1852, thus, as has been said, interrupting the current of his life.

Mr. Park began the practice of law in San Francisco, and was so skillful and successful in the management of his first case as to attract the attention of the newly-established firm of "Halleck, Peachy & Billings." He was invited to become a member, and thereupon the name was changed to "Halleck, Peachy, Billings & Park," which soon became, and continued for years to be, the most prominent law firm in California. Mr. Park was counsel for President Alvin Adams, of the Adams Express Company, throughout the long litigation which that company passed through in Oregon and California. He also became prominently identified with the reform movement against criminality in San Francisco in 1855. He assisted James King, of William, to establish the *San Francisco Bulletin*, and when that reformer was assassinated on the street, he became the attorney of the historic "Vigilance Committee" which hung five of the outlaws, transported others, and delivered the city from the reign of terror which these ruffians had established. The commercial panic in San Francisco in 1858, by its sudden depreciation of real-estate values, swept away a considerable portion of the large fortune Mr. Park had accumulated. But he soon regained the lost ground. He became associated with John C. Fremont in the development of the Mariposa mine, and skillfully administered the affairs of the Mariposa estate. About this time he interested himself in politics, and in the candidacy for United States Senator from California, he lacked but few votes of an election.

Retiring from his California business in 1863, Mr. Park returned to Vermont. He established the First National Bank at North Bennington, and soon after was elected to the state legislature, where he exerted great influence. He now engaged in a number of railroad enterprises in his native state. He assisted in the reorganization of the Vermont Central, furnishing a considerable part of the capital, and was one of its original incorporators under the new name of "Central Vermont Railroad Company." He purchased the Western Vermont Railroad, and in 1868 commenced the construction of the Lebanon Springs Railroad, whereby he hoped to make Bennington an important railroad centre, and supply the lack of transportation facilities in the southern part of the state. Not meeting with adequate co-operation, he sank a large part of his fortune in this patriotic enterprise.

In 1872 Mr. Park was associated with General Baxter in the ownership and conduct of the famous Emma Mine. Under his management dividends were regularly paid, and in the litigation which grew out of this property he was eminently successful, and his management fully vindicated. He was for many years a director



of the Pacific Mail Steamship Company, and his administration of its affairs was characterized by the shrewdness and ability which he displayed in all his ventures. He secured a controlling interest in the Panama Railroad, and was elected its president in 1874, holding the office to the time of his death. He was associated with General J. G. McCullough in the management of this enterprise, and they had the satisfaction of seeing the value of the company's stock rise under their skillful conduct from below par to three hundred cents on the dollar, at which price it was sold to the De Lesseps Canal Company. This happy close of the affairs of the company was accomplished by Mr. Park only a few months before his death.

Connected with many public enterprises, Mr. Park was a man of pre-eminent public spirit. He was a trustee of the University of Vermont, and donated to that institution the art gallery which bears his name. He also made liberal gifts of money to swell the New York *Tribune* "Fresh Air Fund," to provide for the unhappy children in the crowded tenements of New York city a breathing-spell in the country; and he gave a large number of these little folks the pleasure of a summer visit of months in Bennington, Vt. Taking special interest in the home of his boyhood, Mr. Park established the Bennington Free Library, and was a member with ex-Governor Prescott, of New Hampshire; ex-Governor Rice, of Massachusetts; and E. J. Phelps, of Burlington, Vt.; of the committee on the design of the Bennington battle monument, to perpetuate the memory of that famous engagement in the Revolutionary War. He also contemplated a magnificent charity in the "Park Home," which he established at Bennington for destitute women and children. A large property was secured near the town, and the "Home" was incorporated in 1882 by special act of the state legislature. Unfortunately, however, Mr. Park's death occurred before his plans had been matured, or his desire in the matter made known. Accordingly, his heirs donated the property to the state, and a "Soldiers' Home" has since been established upon it.

The estimable wife of Mr. Park had died in June, 1875. In May, 1882, he married Miss Ella F. Nichols, of San Francisco, who survived him. His own death occurred in 1882, as stated, while en route to Panama, on board the Pacific mail steamer "San Blas." The remains were buried at Greenwood cemetery, Brooklyn. Mr. Park left one son, Trenor L. Park, of New York city, and two daughters, who are the wives of General J. G. McCullough, of Vermont, and Frederick B. Jennings, of New York city.

The lesson of such a career of energy, perseverance, enterprise and public spirit, carrying a youth from the humblest circumstances to a manhood of noble attainments, and an affluence which enabled him to prosecute public enterprises of the greatest moment, needs no word or comment to make it significant and impressive.

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### JOHN GRIFFITH McCULLOUGH.

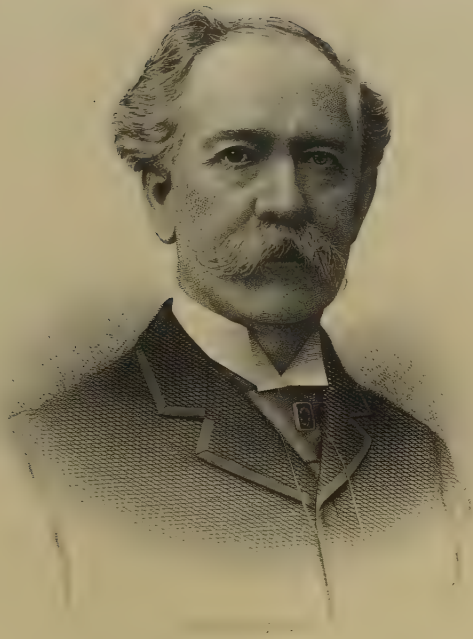
**J**OHN GRIFFITH McCULLOUGH, lawyer and a prominent figure in American railway management, was born in Welsh Tract, near Newark, in the state of Delaware. He is of mingled Scotch and Welsh ancestry. His early educational advantages were of a meagre character, but were diligently utilized. The father died when the boy was only three, and the mother when he was only seven, but his pluck, persistence and unwearied industry placed him in command of the resources of a good education before he had attained his legal majority. His scholastic career ended in Delaware College, where he graduated with the first honors of his

class before he had reached his twentieth year. Soon after graduating he went to Philadelphia and began the study of law in the office of St. George Tucker Campbell, who for many years was one of the most successful jury lawyers at the Philadelphia bar. There he zealously prosecuted his legal studies for the next three years, and also attended the law school of the University of Pennsylvania. He received the degree of LL.B. from the latter institution, and in 1859 was admitted to the bar of the Supreme Court of Pennsylvania.

Thus equipped for a legal career the young lawyer found himself apparently doomed to forever forego further prosecution of cherished plans by the declining condition of his health. Of naturally weak constitution he was now seized by a grave pulmonary complaint, and was obliged to turn aside from the pleasing prospects before him. The preservation of life itself demanded speedy change of climate and surroundings. Having tried and won by his maiden efforts the first and only case entrusted to his management, he sailed for California. The outlook was not flattering. The probabilities of health, fortune and fame, of which he was in eager quest, were neither numerous nor flattering.

When Mr. McCullough arrived in San Francisco he was unable to remain there because of the severity of the winds. He then went to Sacramento, where he was admitted to the bar of the Supreme Court of California. But the climate here not agreeing with his delicate health, he again moved to the foot-hills of the Sierra Nevada in order to profit by the dry and exhilarating air of the mountains. When the stage stopped at the end of its long route in Mariposa county he disembarked, and stood face to face with all the new and untried possibilities of a novel situation. This was in 1860—a pioneer period in the history of that portion of California. Opening an office for the transaction of business, he rapidly acquired a full share of legal practice. The fame of a patriot rather than that of a lawyer was, however, what awaited him in his new and unaccustomed home. Before he had established any close and extended acquaintance with the people he was unwillingly swept into the thickest of the fight for the preservation of the National Union. The outer events of the eddying war-storm that had gathered over the cotton states and threatened destruction and death to all who stood in its pathway made themselves felt on the remote coast of the Pacific. There in Southern California the secessionists from Alabama lived in close proximity to the unionists from Vermont. It was by no means certain that the state would not become the theatre of internecine war. The arrival of General Sumner on the scene was remarkably opportune. By a *coup d'état* he superseded Albert Sidney Johnston in command of Fort Alcatraz, and thus frustrated the scheme of the southern sympathizers to separate California from the Union.

General Sumner found a ready and efficient supporter in young McCullough, whose loyalty to the Union was so intense as not to permit him to be an inactive spectator of passing events. Stranger as he was, he ascended the stump, and from the popular rostrum did effective service for American nationality and freedom. His eloquence and courage commanded admiration, and he rapidly gained a position of well-recognized leadership. Indeed, so quickly did he make friends that although barely qualified, according to local law, he received the nomination for the General Assembly; a coalition of the Republicans and Douglas Democrats triumphantly elected him, despite the efforts of the secessionists, and sent him to Sacramento in 1861. In the legislature of California he so manfully and successfully advocated the cause of the Union that in 1862 his constituents returned him to the Senate, though the senatorial district was large and composed of many counties, and for many years



*J. S. McCullough*





previously had been under the control of the Democrats. Senator McCullough displayed such legal acumen and such judicious vigor in shaping legislation, that, notwithstanding the fewness of his years and the recency of his citizenship, he was nominated in the following year by the Republican state convention for the office of attorney-general, and was elected at the polls by an overwhelming majority. This office he continued to hold for the next four years, during which he resided at Sacramento. Much important litigation, in which the commonwealth was interested, thus fell to his management, and was so skillfully and satisfactorily conducted that he was again nominated by his party in 1867. But popular sentiment had veered, and, although he received the largest vote on the ticket, both he and his co-aspirants failed of success. After the close of his official career, General McCullough settled in San Francisco, and there established a law firm, of which he was the head. From the commencement of its operations, and through more than the five years of his residence in that city, he was a prominent member of the bar, which included men of the keenest and most cultured intellect from every state in the Union. His practice was highly remunerative and his reputation with court, counsel and client was that of a practitioner who was scrupulously precise in statement and always governed by the nicest sense of professional honor.

In 1871 he visited the Eastern states and married a gifted and accomplished Vermont lady, Eliza Hall, daughter of Trenor W. Park and granddaughter of ex-Governor Hiland Hall, of Vermont. After visiting Europe, Mr. McCullough and wife returned to California. Two years later, having acquired an ample fortune, General McCullough returned to the East, and established his home permanently in Bennington, Vt.

In the prime of manhood and endowed with a restless, energetic, and self-controlled temperament, General McCullough could not content himself with a life of inaction. Although he did not return to the general practice of the law upon his return east, he has been by no means idle, for he has achieved a high degree of success in railroad, commercial and banking affairs. Active participation in all of these directions compel him to divide his time between Bennington, New York and Chicago. From 1873 to 1883 he was vice-president and general manager of the Panama Railroad Company, and from 1883 until his resignation in 1888, was president and directing power in that corporation, having consented to hold such relations at the solicitation of M. de Lesseps and its French owners. In 1884 he was elected one of the directors of the Erie Railroad Company, and since 1888 has held the responsible position of chairman of the executive committee. He was elected the first president of the Chicago and Erie Railroad in 1890, and still retains this position. He is also president of the First National Bank of North Bennington, president of the Bennington and Rutland Railway Company, director of the New York Security and Trust Company, the Fidelity and Casualty Insurance Company of New York, and is largely interested in other corporations.

Politics, as an applied science, have never failed to enlist the warmest sympathies of General McCullough. Whether on the Pacific or Atlantic slope of the continent he has exhibited the liveliest interest in all the public questions of the day. No political campaign since 1860 has passed away without having heard his voice in advocacy of the principles and men that challenged his support. He is always content to serve his party in every way within his power without expectation of reward. He is a man of genial nature, social in his tastes, and has a host of warm and devoted friends. To him and his wife have been born four children: Hall Park, Elizabeth Laura, Ella Sarah, and Esther Morgan McCullough.

## FREDERICK C. KENNEDY.

**F**REDERICK CURTIS KENNEDY, of Burlington, Vt. (the son of Samuel Barnet Kennedy and Hannah Mosely Morse, of Newbury, Vt., traces his descent, on his mother's side, from the Baron De Maise, one of the thirty barons who led the Normans at the decisive battle of Hastings. In course of time the patronymic De Maise lost its special token of nobility in the name of Archbishop Maise, and then became hardly recognizable in the names of Chancellor Moss and Privy Councillor Morse. On the other side of his mother's house he claims descent from the English family of the Curtises. On the father's side his lineage may be traced back to Mary Kennedy, maid of honor to Mary, Queen of Scots; while through his paternal grandmother his genealogy runs back again to English ancestry.

His great-grandfather and family from Scotland landed in Newburyport, Mass., in 1722, and there, in 1728, his grandfather was born. Previous to the commencement of the War of the Revolution the family removed to Newbury, Vt., and were among the earliest settlers of that town. Here his father was born in 1789. He served as a volunteer soldier in the War of 1812, and had a share in the battle of Plattsburg. His marriage with Hannah M., the daughter of Elijah and Hannah Morse, of Springfield, Mass., took place July 22, 1816, and eleven children were born to them. He was twice chosen to represent his fellow-townsmen in the General Assembly, and was a member of the State Constitutional Convention in 1843.

When nineteen years of age Frederick put his academic training to use, and began his independent career by teaching in the public schools. In 1850 he was offered and accepted a position as bookkeeper with the Vermont Central Railroad, a post which he retained for two years. He then, in company with his brother John, engaged in the general produce business at Richmond, Vt. In connection with their correspondents, the commission merchants, Alden, Taylor & Co., of Boston, they were the first in New England to make use of refrigerator cars in shipping perishable goods over the line of the Ogdensburgh and Vermont Central railroads. This enterprise was under the immediate supervision of Mr. John Kennedy, the senior member of the firm, and was attended with gratifying success until the suspension of the Boston house, which necessarily interrupted the business of the Messrs. Kennedy.

Frederick C.'s next engagement was with Messrs. Kingsland, Baber & Co., who owned and operated a large dry-goods store in Keeseville, N. Y. After filling the place of head salesman in this establishment for eighteen months, he resumed the general produce business at Richmond, this time in company with George Benedict of that town. Their shipments were consigned to commission merchants in Boston.

While he was thus engaged, the Messrs. Harding & Brothers, manufacturers of woolen goods at Winooski, Vt., proposed to Mr. Kennedy to become their accountant. This offer he accepted, and entered upon his duties at the mills in Winooski in October, 1856. In 1859 Harding & Brothers were succeeded by Mr. Charles L. Harding, and under the new regime Mr. Kennedy was made agent and manager. During his administration the capacity of the mills was increased from fifteen sets of thirty-six-inch cards to twenty-five sets of forty-eight-inch cards. In 1881 a hosiery yarn-mill of seventeen thousand spindles was erected, and in 1895 a mill for dress goods of the capacity of one hundred and two looms was added.

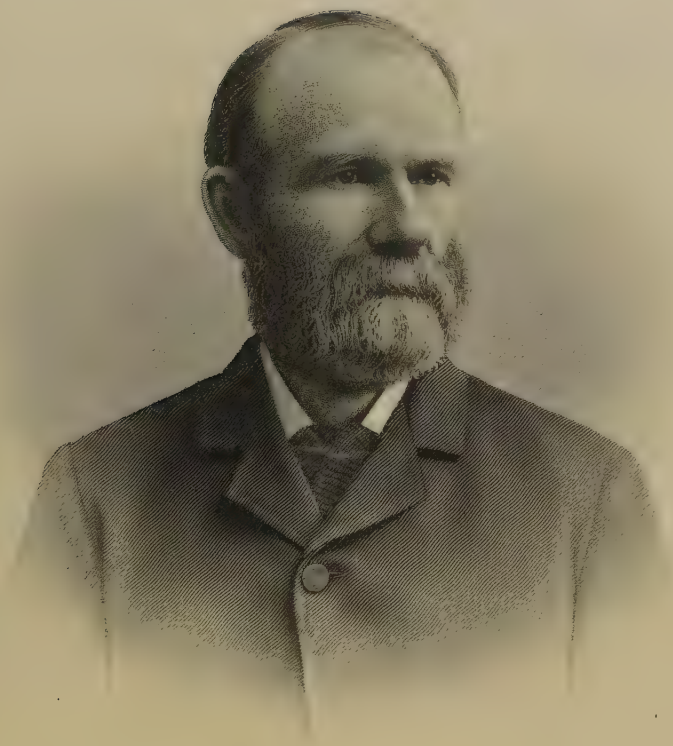
The Burlington Woolen Company was organized in October, 1861, at which





*J. C. Kennedy*





*Willard Crane*





time Mr. Kennedy was placed on the board of direction, and became secretary, financial agent and manager of the mills at Winooski. In 1869 he was one of the incorporators of the Winooski Savings Bank and was elected treasurer. This position he retained until the pressure of other engagements and the greatly enlarged business of the bank compelled him to relinquish it. From that time to the present he has devoted his time and energies to the business of the several corporations in which he is at present interested.

Mr. Kennedy acts as agent for the following corporations: The Colchester Mills; The Winooski Worsted Company; The Burlington Flouring Company; and the Winooski Aqueduct Company, and in addition is engaged in the promotion of electric railroads. In 1895 he bore a prominent part in building the Military Post Electric Road in Chittenden county, and in 1896 was the general adviser and a director of the electric road at Springfield, Vt. At present he is engaged with three other gentlemen in promoting an electric railway in Montpelier and Barre in Washington county, and another in St. Johnsbury and Lyndonville in Caledonia county.

In the year 1869 Mr. Kennedy was chosen to represent the town of Colchester in the Legislature of Vermont, and served on two important committees, those on Manufactures and on Claims. The next year he was returned as state senator for Chittenden county, and did excellent service as a member on the Senate committee on Claims.

On the 15th of April, 1859, he was married to Mary Amelia, daughter of Roswell and Nancy Mason, of Richmond, Vt. This union was blessed with the birth of four children: Charles Louis, Frederick Curtis, Mary Leland, and Arthur Leland, of whom only the last two survive. Mary Leland is the wife of Lorenzo E. Woodhouse, of Burlington; Arthur Leland is a chemist by profession.



## WILLARD CRANE.

**M**R. WILLARD CRANE, of the business firm of W. & D. G. Crane, lumber-dealers and manufacturers of Burlington, came to that city with Mr. Lawrence Barnes in January, 1856, and in the fall of 1858 formed a copartnership with a younger brother, David G. Crane, for the prosecution of the business which they have ever since conducted with energy and gratifying financial success.

Mr. Crane was born in Washington, N. H., May 9, 1830. His father, Ziba Crane, was a blacksmith, extensively engaged in the making of forks and axes, and the ironing of carriages. His mother was Roxanna, the daughter of Israel Proctor, also of Washington. His grandfather, Joseph, at the age of twenty-five, came from Milton, Mass., to Washington, in the year 1782, or 1783. His earliest American ancestor, Henry Crane, sixth in ascent from Willard, came with his wife from England—from Suffolk, as is believed—and settled in Milton in 1648, or 1649.

Willard's education was obtained in the public schools of his native town, supplemented by a few terms at the academy. Here he was school-fellow and friend of the Hon. Carroll D. Wright, so well known as statistician and United States commissioner of labor. His special predilection at school was for the mathematics. With some temporary assistance from his father, he began the manufacture and sale of lumber in his native town. His business capacity and personal integrity commended him to Mr. Lawrence Barnes, then residing at Nashua, N. H., by whom he was employed to execute important commissions, first in Nashua, then in New York city, in Three Rivers, Ca., and, from January, 1856, in Burlington. This connection

lasted four years, and was terminated, much to the regret of Mr. Barnes, by Mr. Crane's going into business for himself.

The firm of W. & D. G. Crane is one of the oldest now doing business in the city. Its financial standing and reputation for fair dealing rank it among the most honorable of Vermont's commercial houses. Besides the business at the Lake shore to the north of the Railroad Station in Burlington, the firm is largely interested in the wholesale establishment of W. G. Watson & Co., lumber-dealers of Muskegon, Mich., and in the retail lumber yard of O. Woods & Co., in Natick, Mass.

Mr. Crane has a large interest in several manufacturing plants, among which are the Burlington Venetian Blind Company, the Queen Anne Screen Company and the Vermont Shade Roller Company. He is president of the last-named, and also of the Lang & Goodhue Manufacturing Company, contractors for the construction of water-works. He is also concerned in the Burlington Shoe Company, a firm doing business in the "addition" to the south of the city. His capital is variously invested, not simply to make money, but to aid the development of whatever industrial schemes promise to contribute to the prosperity and growth of his adopted city. He has been for ten years a trustee of the Burlington Savings Bank, one of the strongest and safest financial institutions in the state. He succeeded Mr. Barnes as a member of the board of trustees of the Vermont Academy at Saxton's River, Vt., a high-grade sub-collegiate institution, in which he takes a deep practical interest. He is also a director in the Vermont Electric Company, an organization whose extensive plant at the gorge on the Winooski, near the High Bridge, supplies Burlington with both power and light.

By religious preference he is a Baptist, and has long been an officer in the First Baptist Church, of Burlington, a liberal contributor to its funds and charities, and a promoter of its interests by his counsels and personal effort. For some eighteen years he has been a member of the State Board of the Baptist Convention, and a member of its executive committee.

He married, November 5, 1856, Harriet P. Miller, of Lempster, N. H.. Their two children, Arthur G., born May 5, 1858, and Stella H., born March 23, 1866—now Mrs. Robert A. Arms—reside in Burlington.

### OLIN SCOTT.

**O**LIN SCOTT, of Bennington, Vt., son of Martin Billings and Mary Ann (Olin) Scott, was born in Bennington, February 27, 1832. He derives his lineage on his father's side from Landlord Fay, of the historic Catamount Tavern, General Safford, Major Samuel Billings and Jonathan Scott; while among his mother's ancestors were Captain Moses Sage and Giles Olin,—all of whom were pioneers in the early settlement in the southern part of the state, and identified with the disputes concerning the New Hampshire Grants, as well as taking an active part in the War of the Revolution.

The early educational advantages of Mr. Scott were limited to the district school, and at the age of eleven he found employment as clerk in Troy and Albany, N.Y. In 1846-47 he attended the Union Academy at Bennington, supporting himself by his own exertions. He then served an apprenticeship of three years to learn the trade of millwright, at the same time pursuing a systematic course of study in engineering; and to increase his proficiency in this science he attended the North Bennington Academy for a year; then worked at mill building until he became





*Olin Scott*



foreman of the Eagle Foundry and Machine Shops in Bennington. Here he remained till 1858, when he entered into a partnership with Hon. S. H. Brown of that place to operate the Bennington Machine Works. This arrangement continued until 1863, when he purchased the interest of his partner, and in 1864 purchased the business and plant of the Eagle Foundry and Machine Shops. In 1865, after purchasing property suitable for that purpose, he erected thereon new buildings, to which he transferred the plant of the Eagle Foundry and that also of his own establishment, thus consolidating the business of both, carrying on the concern from that time in his own name. A large part of the machinery used in the manufacture of gunpowder during the War of the Rebellion and since was built by Mr. Scott, who has also exported machines for this purpose to various parts of the world. In 1869 he built the Lake Superior powder-mills at Marquette, Mich., and became a stockholder in the same, and four years later became general superintendent of the Laffin & Rand Powder Company of New York. In 1882 Mr. Scott formed the Ohio Powder Company at Youngstown, Ohio, of which company he was for several years vice-president and director. In 1884 he organized the Pennsylvania Powder Company, Limited, at Scranton, Pa., of which company he was president and director. In 1887 he sold his interests in the above-named powder companies, and became consulting engineer and agent for the Laffin & Rand Powder Company of New York and the Du Pont Powder Company of Wilmington, Del., which position he still holds, at the same time operating the Bennington Machine Works. His next venture was the establishment of a company for making machinery for the manufacture of wood pulp into paper stock, and his improved New England pulp-grinder has acquired great popularity in all parts of the United States and foreign countries.

In 1892 he was chosen to and still holds the presidency of the Lasher Stocking Company, organized at Bennington for the manufacture of men's half hose. In 1896 he was elected president of the Maine Pulp and Paper Company, of Lewiston, Me., and is a member of the American Paper Makers' Association. He has for many years been a member of the American Society of Mechanical Engineers. He was the originator of the scheme for building the Bennington battle monument, and for eighteen years has been a director and secretary of that association, working efficiently in its interest until the completion of the monument.

He has for many years been a member and trustee of the Second Congregational Church, and is a member of the Masonic fraternity, in which he has taken the degree of Knight Templar. He was for several years connected with the National Guard of Vermont, having for four years served as captain of Company K, First regiment, and two years on the staff of Governor Farnham with rank of colonel. For many years he has been trustee and auditor of the Bennington County Savings Bank, also for many years town auditor. He has also been for many years trustee of the village of Bennington, and several years chairman of the board, and has for six years been trustee of the Bennington graded schools, and two years chairman of the board.

In addition to the other business operations named he has continuously operated the Bennington Machine Works, to the management of which he still gives his personal attention. He has ever been a faithful worker for, and a liberal contributor to, all public improvements in the town in which he lives.

Mr. Scott was united in marriage in 1856 to Celeste E., daughter of Samuel and Lydia Gilbert, of Salem, N. Y. Two daughters and one son were the fruit of this union, none of whom survive.



## CHAPTER CXXII.

### THE CONSTITUTIONAL HISTORY OF NEW HAMPSHIRE.

BY WILLIAM T. DAVIS.



NEW HAMPSHIRE, while it was a royal province, included the territory now contained within the limits of Vermont. Though the precise routes and stopping places of the Northmen have never been accurately defined, it is probable that in the early part of the eleventh century the seaboard of New Hampshire was visited by those adventurous voyagers. More than six hundred years elapsed before another European explorer is known to have touched its shores. Martin Pring landed upon them in 1603, and Champlain in 1609 entered the lake, bearing his name, on its western borders; but in his earlier voyage along the shores of New England it seems to be certain that he passed its Atlantic coast without stopping. John Smith, who in 1614 crossed the ocean in command of an expedition fitted out under the patronage of Sir Ferdinando Gorges, the governor of the castle in old Plymouth, anchored his ships in Penobscot Bay, and followed the coast in his shallop as far as Cape Cod. The chart made by him of the coast, with its headlands and harbors, shows that he must have entered the Piscataqua river, and examined its shores. On his return to England he submitted his chart to the inspection of Prince Charles, afterwards Charles the First, who inscribed upon it names for a considerable number of its prominent localities. Of these, the only names which have survived and become permanent are: Plymouth, named in honor of Gorges; Charles river, named after himself; and Cape Ann, named after his mother, Ann, of Denmark.

With regard to the first actual settlement upon New Hampshire territory, the opinions of historians and antiquarians have been divided. Mr. John S. Jenness, in a pamphlet published in 1878, entitled "Notes on the First Planting of New Hampshire, and on the Piscataqua Patents," entered so carefully into the discussion of conflicting claims that the writer of this sketch does not hesitate to accept his conclusions, and weave them into his narrative. On the 18th of November, 1622, David Thompson procured from the Council for New England, a chartered company, under whom the Plymouth colony before that time, and the Massachusetts colony afterwards, derived their title, a patent or grant of six thousand acres of land to be selected by him in New England. Three merchants, Abraham Colmer, Nicholas Sherwell and Leonard Pomerie, were associated with him in the enterprise. At some previous time, but when or with whom it is not known, Thompson had visited New England, and seems to have selected a site for a settlement before he left home. He sailed in the winter of 1622-3, with a small company, probably not exceeding ten in number, and landed on the southerly side of the mouth of Piscataqua river at Little

Harbor, and there began a settlement in the early part of 1623. In 1630, according to Mr. Jenness, the plantation passed under a lease into the hands of the Laconia Company, the operations of which will be hereafter referred to.

On the 12th of March, 1629 or 1630, according to new style, Edward Hilton procured a patent or grant from the Council for New England of land, about seven miles up the Piscataqua river, which patent recited the fact "that Edward Hilton and his associates hath already, at his and their proper costs and charges, transported sundry servants to plant in New England, at a place there called Hilton's Point, lying some two leagues from the mouth of the River Pascataquack, in New England, aforesaid, where they have already built some houses, and planted corn." The settlement of Hilton was probably made in 1627 or 1628, and the territory conveyed to him under his patent was described as "all that part of the River Pascataquack, called or known by the name of Wecanacohunt, or Hilton's Point, with the south side of the said River, up to the fall of the River, and three miles into the maine land, by all the breadth aforesaid." Hilton's Point was what is now called Dover Neck. Edward Hilton, though continuing his residence on the Piscataqua river some years, sold his territory, soon after securing his patent, to Capt. Thomas Wiggin, and his associates, of Shrewsbury, England.

In November, 1629, the council for New England granted to Sir Ferdinando Gorges, Captain John Mason and seven associates a tract of territory bordering on Lake Champlain, which was named by them Laconia. Having vague notions of the distance of this territory from the seaboard, and believing that only a narrow strip of land intervened between the lake and the waters of the Piscataqua river, the Laconia Company leased the land and property of David Thompson with the view of making Little Harbor the ocean outlet for their Laconia lands. Finding their plan a failure, after they learned the topography of the country, the Laconia Company turned its attention to the development of its Little Harbor property, and for the purpose of enlarging its domain, procured from the council for New England a grant dated November 3, 1631, of territory on both sides of the Piscataqua river. Not long after the issue of the above patent Gorges and Mason divided their Piscataqua lands between them, the former taking the lands on the easterly side of the river, which he called Maine, and the latter the lands on the westerly side, which took the name of New Hampshire. Mr. Belknap, however, states in his history of New Hampshire that Sir Ferdinando Gorges and Captain John Mason received a patent from the Council for New England August 10, 1622, of all the territory between the Merrimac river and the Kennebec, extending to the Great Lakes and rivers in Canada, and sent over David Thompson and Edward and William Hilton to make settlements on their lands. The statement of Belknap is substantially repeated by Charles Wesley Tuttle in his *Historic Papers*, edited by Albert Harrison Hoyt and published in 1889.

It is not intended in this sketch to follow the fortunes of these early settlements, but merely to glance at the germs from which sprang the province of New Hampshire, and at a later time the state. In 1641 the settlement of Little Harbor, which had become Portsmouth, Hilton's Point, which had become Dover, Hampton, settled in 1637, and Exeter, settled in 1638, all of which had been carried on as independent colonies, fell into such a condition that they came into an agreement with the agents of the Massachusetts colony to be incorporated with that colony, and after the preliminaries were settled, the Massachusetts General Court passed an act in October, 1641, accepting and declaring "the Ryver Pascataquack to be within the jurisdiction of the Massachusetts." Thus Massachusetts was extended to the territory of Maine and the territory of New Hampshire was cut off from the sea.

In 1643, the Massachusetts colony was divided into four counties, of which Norfolk county included Dover, Exeter, Hampton and Portsmouth, or Strawberry Bank, as it was called. Such was the distribution of territory until 1679, when New Hampshire was made a royal province. At that time Norfolk county in Massachusetts became so much reduced by the separation of the above towns to become parts of New Hampshire that the remaining towns within the limits of Massachusetts were added to Essex county in that colony, and Norfolk county was extinguished. The present Norfolk county in Massachusetts was incorporated in another part of the state in 1793.

In July, 1679, the colony of Massachusetts was notified by a letter from the secretary of state that the king had determined to separate New Hampshire from the government of that colony, and it was required to revoke the commissions which it granted there, the same being declared null and void. On the 8th of September, 1679, a commission passed the seals which put a stop to the jurisdiction of the Massachusetts colony over the towns of Portsmouth, Dover, Exeter and Hampton, and over all lands extending from three miles to the northward of the Merrimack river, and over every part of the province of Maine. The commission appointed a president and council for the province of New Hampshire, and as it is not to be found in the various histories of New Hampshire it is thought proper by the writer to quote it in full, though its length is somewhat disproportionate to the limits of his narrative. It is to all intents a charter of the New Hampshire province, and a mere synopsis of its provisions would fail to meet the demands of a constitutional history. The following is the commission :

"CHARLES THE SECOND.

"By the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. :

*"To all to whom these Presents shall come, Greeting.*

"Whereas our Colony of the Massachusetts, *alias* Massachusetts Bay, in New England, in America, have taken upon themselves to exercise a Government and jurisdiction over the Inhabitants and Planters in the towns of Portsmouth, Hampton, Dover, Exeter and all other the towns and lands in the Province of New Hampshire lying and extending from three miles northward of Merrimac River on any part thereof, unto the Province of Maine not having any legal right or authority so to do; which said jurisdiction, and all further exercise thereof, we have thought fit, by the advice of our Privy Council, to inhibit and restrain for the future; and do hereby inhibit and restrain the same. And whereas the Government of that part of said Province of New Hampshire, so limited and bounded as aforesaid, hath not yet been granted unto any person or persons whatsoever, but the same still is and remains under our immediate care and protection. To the end, therefore, that our loving subjects, the planters and inhabitants within the limits aforesaid, may be protected and defended in their respective rights, liberties and properties, and that due and impartial justice might be duly administered in all cases, civil and criminal, and that all possible care may be taken for the most quiet and orderly Government of the same :

"Now Know ye that we, by and with the advice of our Privy Council, have thought fit to enact and constitute, and by these presents for us, our heirs and successors, do enact, constitute and appoint a President and Council to take care of the said tract of land, called the Province of New Hampshire, and of the planters and inhabitants thereof; and to order, rule and govern the same according to such methods and regulations as are hereinafter specified and declared. And for the better execution of our royal pleasure in this behalf, we do hereby nominate and appoint our trusty and well beloved subject, John Cutts, of Portsmouth, aforesaid, Esq., to be the first President of the said Council, and to continue in the said office for the space of one whole year next ensuing the date of these presents, and so long after until we, our heirs or successors shall nominate and appoint some other person to succeed him in the same. And we likewise nominate and appoint our trusty and well beloved subjects, Richard Martin, Esq., William Vaughan, Esq.,



and Thomas Daniel, Esq., all of Portsmouth, aforesaid, John Gilman, of Exeter, aforesaid, Esq., Christopher Hussey, of Hampton, aforesaid, Esq., and Richard Walderne, of Dover, aforesaid, Esq., to be of the Council within the said Province of New Hampshire. And we do hereby authorize and appoint the said President and Council to nominate and make choice of three other persons out of the several parts of the said Province whom they shall judge to be most fitly qualified to be of the said Council, and to swear them into the same; and that the said John Cutts, and every succeeding President of the said Council, shall and may nominate and appoint any one of the members of the said Council for the time being to be his Deputy, and to preside in his absence, and that the said President or his Deputy and any five of the said Council shall be a quorum.

"And our express will and pleasure is that no person shall be admitted to set or have a vote in the said Council until he hath taken the oath of allegiance and supremacy, and the oath hereinafter mentioned for the due and impartial execution of justice and the faithful discharge of the trust in them reposed; which oaths we do hereby authorize and direct the said Richard Martin, William Vaughan, Thomas Daniel, John Gilman, Christopher Hussey, Richard Walderne or any three of them first to administer unto the said John Cutts, the present President; and the said John Cutts, having taken the said oaths, we do will, authorize and require him, the said President for the time being, to administer the same, from time to time, to all and every other the members of the said Council. And we do hereby will and require and command the said John Cutts, Richard Martin, William Vaughan, Thomas Daniel, John Gilman, Christopher Hussey and Richard Walderne, and every of them to whom this our pleasure shall be made known, that all excuses whatsoever set apart they fail not to assemble and meet together at the said town of Portsmouth, in the Province of New Hampshire, aforesaid, within the space of twenty days next after the arrival of this our commission at Portsmouth, aforesaid, and there to cause this our commission or Letters Patent to be read before them, or as many of them as shall be there assembled; and, having duly first taken the said oaths, to proceed to choose, nominate and appoint such officers and servants as they shall think fit and necessary for their service; and also to appoint such other time and place for their future meetings as they or the major part of them (whereof the President or his Deputy to be one) shall think fit and agree. And our will and pleasure is that our said Council shall, from time to time, have and use such seal only for the sealing their acts and orders and proceedings as shall be sent unto them by us, our heirs and successors for that purpose. And we do, by these presents, for us, our heirs and successors, constitute, establish, declare and appoint our said President and Council, and the President and Council and their successors, for the time being to be a constant and settled Court of Record for the administration of justice to all our subjects inhabiting within the limits aforesaid, in all causes, as well civil as criminal. And that the President and any five of the Council, for the time being, shall have full power and authority to hold Plea in all cases, from time to time, as well in Pleas of the Crown and in matters relating to the conservatism of the Peace and punishment of offenders, as in civil suits and actions between party and party, or between us and any of our subjects there, whether the same do concern the realty and relate to any right of freehold or inheritance, or whether the same do concern the personalty and relate to some matters of debt, contract, damage or other personal injury; and also in all mixed actions which may concern both realty and personalty, and thereafter due and orderly proceeding and deliberate hearing of both sides to give judgment, to award execution, as well in criminal as in civil cases, as aforesaid; so always that the form of proceedings in such cases, and the judgment therefor to be given, be as consonant and agreeable to the laws and statutes of this, our Realm of England, as the present state and condition of our subjects inhabiting within the limits aforesaid, and the circumstances of the place will admit.

"And the President and Council, for the time being, and every one of them respectively before they be admitted to their several and respective offices and charges, shall also take the oath following: 'You shall swear well and truly to administer justice to all his Majesty's good subjects inhabiting within the Province of New Hampshire, under the Government, and also duly and faithfully to discharge and execute the trust in you reposed, according to the best of your knowledge; you shall spare no person for favor or affection, nor any person grieve for hatred or ill-will. So help you God.' Nevertheless it is our will and pleasure, and so we do hereby expressly declare that it shall and may be lawful from time to time to and for all and every per-

son and persons who shall think him or themselves aggrieved by any sentence, judgment or decree pronounced, given or made, as aforesaid, in, about or concerning the title of any land or other real estate, or in any personal action or suit above the value of fifty pounds, and not under to appeal from such judgment, sentence and decree unto us, our heirs and successors, and our and their Privy Council. But with and under this caution and limitation that the appellant shall first enter into and give good security to pay full costs in case no relief shall be obtained upon such appeal.

"And our further will and pleasure is, and so we do hereby declare that in all criminal cases where the punishment to be inflicted upon offenders shall extend to loss of life or limb (the case of wilful murder only excepted) the party convicted shall either be sent over to this, our Kingdom of England, with a true state of his case and conviction or execution shall be respited until the case shall be here represented unto us our heirs and successors in our and their Privy Council, and orders sent and returned therein.

"And for the better defense and security of all our loving subjects within the said Province of New Hampshire, and the bounds and limits aforesaid, our further will and pleasure is, and we do hereby authorize, require and command the said President and Council, for the time being, in our name and under the seal by us appointed to be and to give and issue forth commissions, from time to time, to such person and persons whom they shall judge shall be best qualified for regulation and discipline of the militia of our said Province, and for the arranging and mustering the inhabitants thereof, and instructing how to bear and use their arms; and that care be taken that such good discipline shall be observed as by the said Council shall be prescribed. And that if any invasion shall at any time be made or other destruction detriment or annoyance made or done by Indians or others upon or unto our good subjects inhabiting within the said Province of New Hampshire we do by these presents for us our heirs and successors declare ordain and grant that it shall and may be lawful to and for our said subjects so commissioned by our said Council from time to time and at all times for their special defense and safety to encounter expel, repel and resist by force of arms and all other fitting ways and means whatsoever all and every such person and persons as shall at any time hereafter attempt or enterprise the destruction, invasion, detriment or annoyance of any of our said loving subjects on their plantations or estates; and above all things we do by these presents will, require and command our said Council to take all possible care for the discontinuance of vice and encouragement of virtue and good living that by such example the infidels may be invited and desire to partake of the Christian religion.

"And for the greater care and satisfaction of our said loving subjects on matters of religion we do hereby will, require and command that liberty of conscience shall be allowed unto all Protestants, and that such especially as shall be conformable to the rights of the Church of England shall be particularly countenanced and encouraged. And further we do by these presents, for us, our heirs and successors, give and grant unto the said Council and their successors, for the time being, full and free liberty, power and authority, to hear and determine on all emergencies relating to the peace and good government of our subjects within the said Province. And also to summon and convene any person or persons who shall be admitted to any office, freedom or preferment. And likewise with what convenient speed they can to cause proclamation to issue, and be made in our name to the inhabitants of the said Province of New Hampshire, thereby signifying that we have taken them into our immediate government and gracious protection. And letting them further know that we have written to the Governor and Council of the Massachusetts Bay, to recall all such commissions as they have granted for exercising any jurisdiction in the parts aforesaid. And that we have inhabited and restrained them for the future from exercising any further authority or jurisdiction over them. And further, that the said inhabitants within the said Province of New Hampshire and limits aforesaid, do and shall from henceforth repair for justice and redress unto them, the said President and Council, whom we have constituted and appointed to be a standing court for administration of justice as aforesaid, and entrusted them with the care of their quiet and orderly government, and, therefore, requiring that they give obedience unto them. And our will and pleasure is that these, with such other general intimation, shall be given unto the people as by the said President and Council shall be thought necessary, and for supporting the change of the government of the said Province of New Hampshire, our will and pleasure is,

and we do by these presents authorize and require the said President and Council to continue such taxes and impositions as have been and are now laid and imposed upon the inhabitants thereof, and that they levy and distribute or cause the same to be levied and distributed to these ends in the best and most equal manner they can, until a General Assembly of the said Province shall be called, and other methods for that purpose agreed upon to which, and our will and pleasure is, and we do by these presents authorize, require and command, the said President and Council, that they within three months after they have been sworn as aforesaid, do and shall issue forth summons under the seal by us appointed to be used in the nature of writs for the calling of a General Assembly of the said Province, using and observing therein such rules and methods (as to the persons who are to choose their deputies and the time and place of meeting) as they shall judge most convenient. At the first meeting of which General Assembly, we do hereby will, authorize and require, the President of the said Council, to mind them in the general what is to be intimated in the proclamation aforesaid, that he recommend unto them the making of such Acts, Laws and Ordinances as may most tend to the establishing them in obedience to our authority, their own preservation in peace and good government and defense against their enemies; and that they do consider of the fittest ways for raising of taxes and in such propositions as may be fit for the support of the government. And our will and pleasure is and we do hereby declare, ordain and grant, that all and every such Acts, Laws and Ordinances as shall from time to time be made in and by such General Assembly or Assemblies, shall be first approved and allowed by the President and Council for the time being, and thenceforth shall stand and be in force until the pleasure of us, our heirs and successors, shall be known whether the same Laws and Ordinances shall receive any change or confirmation or be totally disallowed and discharged. And, therefore, our will and pleasure is that the President and Council do, and shall from time to time transmit and send over unto us, our heirs and successors, and our and their Privy Council, for the time being, all and every such Acts, Laws and Ordinances, by the first ships that shall depart thence for England after their making. Also our will and pleasure is and we do hereby direct and appoint, that if the said President of the Council shall happen to die, that therefrom and after the death of the said President, his Deputy shall succeed him in the office of President, and shall and may nominate and choose any of the said Council to be his Deputy to preside in his absence. And the said Deputy so succeeding shall continue in the said office of President until our further will and pleasure be known therein, and we shall think fit to nominate and appoint some other person to succeed therein.

"And if any of the members of the said Council shall happen to die, our will and pleasure is and we do hereby direct and appoint, the remainder of the Council to elect some other person to be a member of the said Council for that time and to send over the name of such person so chosen, and the names of two more whom they shall judge fitly qualified for the said employment; that we, our heirs and successors, may nominate and appoint which of the three shall be a member in the place of such member dying. And we do hereby declare that we, our heirs and successors, shall and will observe and continue the method of grace and favor towards our loving subjects in convening them in their Assemblies, in such manner and form as is herein before mentioned and specified, unless by inconvenience arising thence, we, our heirs or successors, shall see cause to alter the same. And, whereas, the inhabitants of the said Province of New Hampshire have many of them been long in possession of several quarters of lands, and are said to have made considerable improvements therein, having made no other title for the same than what hath been derived from the government of the Massachusetts Bay, in virtue of their imaginary line, which title as it hath by the opinion of our judges in England been altogether set aside, so the agents from the said Colony have consequently disowned any right either in the soil or government thereof from the three miles aforesaid. And it appearing unto us that the ancestors of Robert Mason, Esq., obtained grants from our Great Council for the tract of land aforesaid, and were at very great expense upon the same until molested and finally driven out, which hath occasioned a lasting complaint for justice by the said Robert Mason ever since our restoration, however to prevent in this case any unreasonable demands which might be made by the said Robert Mason for the right he claimeth in the said soil, we have obliged the said Robert Mason, under his hand and seal, to declare that he will demand nothing for the time past, until the four and twentieth day of June last past, nor molest any in their possession for the time to come, but will make out titles to them and their heirs forever.



"Provided they will pay unto him, upon a fair agreement, in lieu of all other rents, six pence in the pound, according to the just and true yearly value of all houses built by them, and of all lands, whether gardens, orchards, arable in pasture, which have been improved by them, which he will agree shall be bounded out unto every of the parties concerned, and that the residue may remain unto himself to be disposed of for his best advantage; but if, notwithstanding this overture from the said Robert Mason (which seems to be fair unto us), any of the inhabitants of the said Province of New Hampshire shall refuse to agree with the agents of the said Robert Mason upon the terms aforesaid, our will and pleasure is that the President and Council of New Hampshire aforesaid, for the time being, shall have power, and are hereby empowered, to interpose and reconcile all differences (if they can) that shall or may arise between the said Robert Mason and the said inhabitants; but if they cannot, then we do hereby command and require the said President and Council to send unto England such cases, fairly and impartially stated, together with their opinions upon such cases, that we, our heirs and successors, by and with the advice of our and their Privy Council, may determine thereon according to equity.

"And lastly our will and pleasure is that the said President and Council, for the time being, do prepare and send unto England such rules and methods for their own proceedings as may best suit with the Constitution of the said Province of New Hampshire, and for the better establishing our authority there, and the government thereof, that we and our Privy Council may examine and alter or oppose the same. In witness, &c. Witness, the King, at Westminster, the eighth day of September.  
P. IPM REGEM."

In this commission, as has been already stated, is to be found the charter of the province of New Hampshire. It is simple in its construction and character, and though not as liberal in its provisions as the charter granted to Rhode Island sixteen years before, it at least manifests a disposition to respect the sensitive feelings of the province by the appointment of officers to the manor-born. John Cutts, Richard Martin, William Vaughan, and Thomas Daniel, were estimable and respected citizens of Portsmouth. John Gilman was a leading man in Exeter, as were also both Christopher Hussey and Richard Waldron in their respective towns. It is not improbable that all of these men were recommended for appointment by the people of the province. It is a singular fact that, though the commission enjoined a special interest in the English Church, all the men were pronounced Puritans. The commission was brought to Portsmouth by Edward Randolph, December 27, 1679, and delivered to the council on the 1st of January, 1680. On the 21st of January the president, and members of the council, took their oaths of office, and on the 22nd the commission was read to the people at Portsmouth, and proclamation made that his majesty had received the province of New Hampshire under his gracious favor and protection. The three members added to the council, in compliance with the terms of the commission, were Elias Stileman, of Great Island; Samuel Dalton, of Hampton, and Job Clements, of Dover. Elias Stileman was appointed secretary, Richard Waldron, deputy president; Richard Martin, treasurer, and John Roberts, marshal.

In the writs issued for calling a General Assembly, the names of the qualified voters of each town were named in the writs, the whole number in the province being two hundred and nine, of whom seventy-one were in Portsmouth, sixty-one in Dover, fifty-seven in Hampton, and twenty in Exeter. An election was held on the 9th of March, and the members of the first Provincial Assembly were Robert Eliot, Philip Lewis, and John Pickering, from Portsmouth; Peter Coffin, Anthony Nutter, and Richard Waldron, Jr., from Dover; Anthony Stanyon, Thomas Marston, and Edward Gove, from Hampton; and Bartholomew Tiffin and Ralph Hall, from Exeter. The assembly met at Portsmouth, on the 16th of March, 1680, and one of its first acts was to send a letter to the Massachusetts General Court lamenting a separation from the Massachusetts colony, "which they should have been glad had never taken

place." It then proceeded to frame a code of laws entitled, "The General Laws and Liberties of the Province of New Hampshire, made by the General Assembly of Portsmouth, the 16th of March, 1679-80, and approved by the president and council." The following is the preamble of the code:

"Forasmuch as it hath pleased our Sovereign Lord the King out of his Princely Grace and favor to take us the inhabitants of New Hampshire into his immediate government and protection the which as we are even bound to acknowledge with great thankfulness, so we have great reason to hope and believe that his Majesty will still continue to countenance and encourage us with the enjoyment of such liberties, immunities and proprieties as belong to freeborn Englishmen and whereas his Majesty hath been pleased by his Letters Patents sent to us to confer such power upon the General Assembly as to make such laws and ordinances as may best suit with the good government and quiet settlement of his Majesty's subjects within this Province; it is therefore ordered and enacted by this General Assembly and the authority thereof that no Act Imposition, Laws or Ordinance be made or imposed upon us but such as shall be made by the said Assembly and approved by the President and Council from time to time; that Justice and Right be equally and impartially administered unto all; not sold, denied or causelessly deferred unto any."

The Code then made fourteen crimes punishable by death, as follows: idolatry, blasphemy, treason, public rebellion, murder, witchcraft, bestiality, buggery, false witness, man-stealing, cursing parents, rebellion of a son, rape and willful burning. Then followed a series of criminal laws against adultery, fornication, burglary, felony, theft, perjury, profanation of the Lord's Day, contempt of God's word or ministers, forcible possession, conspiracy against the province, forgery of deeds, defacing records, corruption of officers, lying, burning fences, breaking down fences, defacing land-marks, gaming, lotteries, drunkenness and firing woods. The code closes with a long list of general laws, among which are laws relating to towns and selectmen, marriage, freemen, rates, and to the establishment of courts. Concerning the courts, it provided that the General Assembly should meet at Portsmouth on the first Tuesday in March to make laws, and to hear and determine all actions of appeal from the Inferior Court, whether civil or criminal. It further provided for three other courts, to be held at Dover on the first Tuesday in June, at Hampton on the first Tuesday in October, and at Portsmouth on the first Tuesday in December, by the president and council, or any six of the council, of whom the president or his deputy was to be one, together with a jury of twelve men, for such as desired to be tried by jury, which courts were authorized to hear and determine all cases, civil and criminal, with the right of appeal to the president and council, together with the General Assembly.

In December, 1680, Robert Mason, a reference to whose land claims is made in the commission, made his appearance, bearing an order from the king for his admission as a member of the council, but owing to disagreements as to his demands, he left the council and returned to England. In March, 1681, President Cutts died, and Richard Waldron succeeded, and appointed Elias Stileman deputy president. The vacancy in the council was filled by the choice of Richard Waldron, Jr., and subsequently on the death of Samuel Dalton, Anthony Nutter, of Dover, was chosen in his place.

The provincial government had scarcely reached a stage of successful operation before it experienced a change most distasteful to the people. Mason had gone home to England determined, if possible, to bring about such a transformation as should aid him in the confirmation and enjoyment of his claims. To this end as a bribe to King Charles he surrendered to him one-fifth part of the rents claimed to be due to him

and which might in the future become due, and the king appointed in May, 1682, Edward Cranfield lieutenant-governor and commander-in-chief of New Hampshire, who, though occupying a profitable office at home, was induced by Mason to accept the appointment by a promise to pay him £150 per annum for seven years. Governor Cranfield was authorized by his commission to call, adjourn, prorogue and dissolve the General Assembly, to veto all acts of the government, to suspend any member of the council, to appoint judges, justices and other officers and to execute the powers of vice-admiral. His commission named as councillors Robert Mason, Richard Waldron, Thomas Daniel, William Vaughan, Richard Martin, John Gilman, Elias Stileman, Job Clements, Walter Barefoot and Richard Chamberlain, and was in its other general provisions similar to the commission of President Cutts. Governor Cranfield arrived in Portsmouth on the 4th of October, and within a week from that date, at the instigation of Mason, suspended Waldron and Martin from the council. By the terms of the commission supreme power was given to the governor, and the power remaining in the hands of the assembly representing the people was simply a sham. The assembly met on the 14th of November, and a new code of laws was enacted not materially differing from the code then in force except that juries were directed to be made up by the sheriff, and not by the towns, and that power was given to justices of the peace in their respective towns to hear and determine civil actions where damages did not exceed forty shillings with the right of appeal to the higher courts. During the early part of the session of the assembly, Waldron and Martin were restored to the council, but after a time suspended again. Cranfield at last by his despotic acts so alarmed the people that Nathaniel Weare was appointed their agent to present complaints to the king. In July, 1684, the agent presented his articles of complaint against Cranfield, declaring that he had "engrossed the power of erecting courts and establishing fees exclusive of the assembly; that he had not followed the directions in his commission respecting Mason's controversy, but had caused it to be decided on the spot by courts of his own constitution, consisting wholly of persons devoted to his interest; that exorbitant charges had been exacted and some who were unable to satisfy them had been imprisoned; that others had been obliged to submit for want of money to carry on their suits; that he had altered the value of silver money; that he had imprisoned sundry persons without just cause; that he with his council had assumed legislative authority without an assembly; and that he had done his utmost to prevent the people from laying their complaints before the king, and procuring the necessary evidence."

The Board of Trade to whom the complaints were referred, summoned Cranfield to deliver to the complainants all evidence under his control, which, when disclosed, caused the presentation of twelve additional articles. A hearing was had on the 10th of March, 1685, and the board reported to the king that "Cranfield had not pursued his instructions with regard to Mason's controversy, but instead thereof had caused courts to be held and titles to be decided with exorbitant costs, and that he had exceeded his power regulating the value of coins." When Cranfield was notified of the decision, he was granted a leave of absence, and, embarking for Jamaica and thence to England, was appointed collector of Barbadoes. Walter Barefoot, who had been deputy-governor, succeeded as governor, and remained in office until the appointment next year of Dudley as president of New England.

While the proceedings were going on which resulted in the removal of Cranfield, Charles the Second died in February, 1684-5. One of his latest acts was to vacate the charter of the Massachusetts colony. James the Second, his successor,



adopted a policy more stringent in its provisions concerning the colonies than any which had preceded it, and sought to place their governments under one head as far as possible and thus make them more uniform. Under the advice of Edward Randolph, called by Belknap "the angel of death," the vacation of the Massachusetts charter had been made, but the death of Charles occurred before a new government could be established. James lost no time in accomplishing what his predecessor had failed to perform. He issued, on the 8th of October, 1685, a commission in which he erected and constituted a president and council to take care of the "territories and dominions of New England in America, commonly called and known by the name of our colony of Massachusetts Bay and our province of New Hampshire, and Maine and the Narragansett country, otherwise called the King's Province, with all the islands, rights and members thereunto appertaining, and to order, rule and govern the same according to such methods and regulations as are hereinafter specified and declared until our chief governor shall arrive within our said colonies." He appointed Joseph Dudley president, and Simon Bradstreet, William Stoughton, Peter Bulkley, John Pynchon, Robert Mason, Richard Wharton, Wait Winthrop, Nathaniel Saltonstall, Bartholomew Gedney, Jonathan Tyng, John Usher, Dudley Bradstreet, John Hincks, Francis Champerone, Edward Tyng, John Fitz Winthrop and Edward Randolph, councillors. This commission was received by Dudley on the 15th of May, 1686.

The principal change in the administration of government under Dudley related to judicial affairs. It was ordered on the 10th of June, 1686, by the president and council "that in each several county and province within this government there shall be erected and settled, and by the authority aforesaid there is hereby erected, appointed and settled a county court to be held and kept as a Court of Pleas and of General Sessions of the Peace within each county and province aforesaid." For New Hampshire it was ordered that the County Court should be held at Great Island the first Tuesday in October, and at Portsmouth the first Tuesday in April. These courts were to consist of the members of the council in each county and province. It was further ordered that the president and council should constitute a Superior Court for the whole territory named in the commission, to be held three times annually in Boston. Other provisions were made in the commission for the probate of wills and court fees.

But the administration of Dudley was short. On the third day of June, 1686, a commission passed the seals appointing Sir Edmund Andros "Governor of the Territory and Domain of New England." Andros arrived in Boston December 19, 1686, and assumed jurisdiction over New England as captain-general and governor-in-chief. The laws passed under his administration to have force in New Hampshire were seventeen in number and related to the continuance of rates, duties and imposts; courts, justices of the peace, pirates, value of coin, assize of casks and packing of fish, beef and pork, cattle, corn-fields and fences, weights and measures, wolves, Indian lands, probate of wills, fishing, barrels, etc.; town officers, militia, duties and peddlers. Under the head of the judiciary a Court of Sessions was established to be held at Portsmouth for the province of New Hampshire on the first Tuesday in June, September, December and March; a Superior Court of Judicature was to be held in Portsmouth in September and March for the province of New Hampshire and the western parts of the province of Maine, including the town of Wells.

The administration of Andros, though longer than that of Dudley, was nevertheless of short duration. With the revolution of 1688, and the accession of Wil-

liam and Mary, the government of Andros ceased, and Massachusetts and Rhode Island resumed operations under their charters. The Plymouth colony, never having had a charter, resumed operations under its patent from the council for New England, which had been during its whole career the only authority for its life. But New Hampshire had no charter, and its government had always been administered exclusively under special commissions to its several governors. Upon the retirement of Andros, April 18, 1689, the people of New Hampshire found themselves in the anomalous condition of a state or a province without any governing head. The appointment by the Crown of a new governor was of course expected, but none was made. There was danger that the affairs of the province would lapse into a state of chaos. There was no recognized authority to make laws or administer them, and the courts themselves, though conscious of their existence, were really left without power to act. In such an exigency it was determined to hold a convention for the purpose of constructing some sort of a temporary government which might have efficacy until the Crown saw fit to recognize their needs. The convention met at Portsmouth, January 24, 1690, new style, under instructions to resolve upon some method of government and was composed of the following delegates: William Vaughan, Richard Waldron, Nathaniel Fryer, Robert Eliot, Thomas Cobbitt and John Pickering, representing Portsmouth; John Woodman, John Gerrish, John Tuttle, John Roberts, Thomas Edgerly and Nicholas Follett, representing Dover; Robert Wadleigh, William Hilton, Jonathan Tyng and Samuel Leavitt, representing Exeter, and Henry Green, Nathaniel Weare, Samuel Sherburne, Morris Hobs, Henry Dow and Edward Gove, representing Hampton. The convention adopted a form of government similar to that set forth in the commissions to Cutts and Cranfield. The following taken from a volume of historical papers edited by Charles Wesley Tuttle is the full text of the form of government adopted by the convention and signed by all its members:

"NEW HAMPSHIRE IN NEW ENGLAND.

"At a meeting of the Committee chosen by the Inhabitants of the respective towns within this Province or settlement of a method of order and government over the same until their Majties take care thereof held in Portsmouth the 24th of January, 1689.

"WHEREAS since the late revolution in the Massachusetts Colony no order from their Majesties has yet arrived for the settlement of government in this Province and no authority being left in the Province save that of the late Justices of Peace which considering our circumstances cannot answer the end of government, viz the raising men, money and so forth for our defense against the Common Enemy:

"Resolved, That a President and Council consisting of ten persons as also a Treasurer and Secretary be chosen in the Province in manner and form following; viz for the Council three persons of the Inhabitants of Portsmouth, three persons of the Inhabitants of Hampton, two persons of the Inhabitants of Dover and two persons of the Inhabitants of Exeter; which persons shall be chosen by the major vote of the Inhabitants of the town where they live, and the President, Treasurer and Secretary to be chosen by the major vote of the whole Province which President shall also have the power over the militia of the Province as Major and the President and Council so chosen, or the major part thereof, shall with all convenient speed call an assembly of the Representatives of the people not exceeding three persons from one town which said President and Council or the major part of them whereof the President or his Deputy to be one together with the Representatives aforesaid or the major part of them from time to time shall make such acts and orders, and exert such powers and authority as may in all respects have a tendency to the preservation of the peace, punishment of offenders, and defence of their Majties subject against the common enemy, provided they exceed not the bounds his late Majesty King Charles the Second was graciously pleased to limit in his Royal Commission to the late President and Council of the Province."

The form of government failed to be adopted by the province, and in February, 1690, a petition was circulated and largely signed, addressed to the governor and council of the Massachusetts colony, praying for government and protection until the pleasure of the home government should be known. The petition was taken to Boston by John Pickering and William Vaughan, and presented to the governor and council on the 28th of February. The prayer of the petition was granted; and William Vaughan, Richard Martin and Nathaniel Fryer were appointed magistrates over the province. Orders were given for the towns to choose civil and military officers to complete the organization of the government, and thus after an interregnum of nearly eleven months New Hampshire once more rested under the protection of an authoritative government.

While the above events were occurring the Massachusetts colony, under whose care New Hampshire temporarily rested, was passing through the agonies of a new birth. Since the vacation of its charter in 1684 the administrations of Dudley and Andros alone bore the stamp of royal authority, and after the deposition of Andros the powers and rights conferred by the charter were resumed as if a suspension instead of a vacation had occurred. The colony now, however, sought for a new charter, and sent agents to England to press its application. The Plymouth colony also sent agents to England to obtain, if possible, a charter as a substitute for the patent of the council for New England under which it had maintained its government. Governor Slauter, of New York, was also in England eager to have the Plymouth colony added to his province. The Massachusetts agents opposed the claim of Governor Slauter with one of their own, in case Plymouth failed to obtain an independent charter, and also urged a claim for the permanent retention of New Hampshire within their jurisdiction. Such an arrangement would have been agreeable to a considerable portion of the people of New Hampshire itself, but the Crown was determined to keep Massachusetts within the bounds prescribed in its original charter—namely, a line three miles north of the Merrimack river, and to re-establish a permanent government for New Hampshire. On the 1st of March, 1692, a commission passes the seals appointing Samuel Allen governor and commander-in-chief of all that part of the province of New Hampshire within the dominion of New England, lying from three miles north of the Merrimack river to the province of Maine, with the south part of the Isle of Shoals. It also appointed John Usher lieutenant-governor and John Hincks, Nathaniel Fryer, Thomas Grafford, Peter Coffin, Henry Green, Robert Eliot, John Gerrish, John Walford and John Low, members of the council. In the absence of Governor Allen, who had not crossed the ocean to assume the duties of his office, Lieutenant-Governor Usher served in his place until William Partridge was appointed lieutenant-governor by a commission dated June 26, 1697. Owing to some delay in the details of the qualification of Partridge, Usher was ordered to continue in office until the arrival of the Earl of Bellomont, a commissioner to the governments of New York, Massachusetts and New Hampshire. His resumption of official duties was, however, short-lived, and he had no sooner reached Portsmouth from Boston, where he had long resided, than Partridge was qualified and his commission formally published. The following is the text of the commission to Partridge :

“William the Third, by the grace of God, King of Scotland, France and Ireland, defender of the faith, &c., to our trusty and well beloved William Partridge, Esq., Greeting. We reposing especial trust and confidence in your prudence, courage and loyalty have thought fit to nominate and appoint, and we do by these presents nominate and appoint you, the said William Partridge, to be our Lieut. Governor of our Province of New Hampshire in America. To have, hold, exer-



cise and enjoy the said office and place of our Lieut. Governor of our said Province of New Hampshire with all the rights, privileges, profits and advantages to the same belonging and appertaining for and during our pleasure to be at any time signified under our Royal Signet & Sign manual, which said signature shall, to all intents and purposes, revoke and make null this our commission. And in case of the death or absence of our Governor-in-Chief of our said Province of New Hampshire for the time being, We do hereby authorise and require you or such other our Lieut. Governor as we shall at any time hereafter appoint under our Royal Signet & Sign manual to execute and perform all and singular the powers and directions contained in our commissions granted or to be granted unto our said Chief Governor or now in force or such instructions as he hath or shall at any time receive from us and you are to follow such orders and directions as you shall receive from our said Governor-in-Chief of our said Province of New Hampshire for the time being. And we do hereby command all and singular of our officers, ministers and loving subjects of our said colony and dominion and all others whom it may concern to take due notice thereof. And whereas by our commission under our great seal bearing date the first day of March in the fourth year of our reign. We have constituted and appointed our trusty and well beloved Samuel Allen, Esq., to be our Governor and John Usher, Esq., to be our Lieut. Governor of our said Province of New Hampshire. We do by these presents revoke so much of our said commission whereby the said John Usher, Esq., is constituted and appointed to be our Lieut. Governor of our said Province of New Hampshire and all the powers and authority thereby granted to him declaring the same to be for the future void, of none effect, so far as it relates to the said John Usher. In witness whereof we have caused these our Letters to be made patents. Witness Thomas, Archbishop of Canterbury, and the rest of the Guardians and Justices of the Realm at Westminster, the twenty-sixth day of June, in the eighth year of our reign."

In August, 1698, Governor Allen came to America, and for the first time assumed the duties of his office. His short administration was a turbulent one. Usher claimed a seat at the council, and the position of lieutenant-governor by authority of an order received by him from the Lords of Trade, to act until the arrival of the Earl of Bellomont. The claim of Usher was allowed by the governor, and Partridge withdrew. Dissensions continued until the arrival of Bellomont, in the spring of 1699, when Partridge was installed as lieutenant-governor. Bellomont, who was commissioned to govern in New York, Massachusetts and New Hampshire, superseded Allen, and after a short stay in the province returned to New York, where he died, March 5, 1701. During his administration, at a session of the assembly, held in Portsmouth, August 7, 1699, an act was passed regulating Courts of Justice. It provided that justices of the peace in their respective towns should determine actions of debt and trespass, where title of land was not concerned, to the value of forty shillings. It further provided that four quarterly courts or general sessions of the peace should be held by justices of the peace at Portsmouth, in March, June, September and December, to determine cases relating to the conservation of the peace. An Inferior Court of Common Pleas was also provided for, to be held by four appointed justices, and to have cognizance of all actions triable at the common law, not exceeding the value of twenty pounds, and where titles of land were not concerned, with a right of appeal to the Superior Court of Judicature. A Superior Court of Judicature was to be held by one chief justice and three other justices, to be appointed by the governor at Portsmouth, on the second Tuesday of August and February, annually, having cognizance of all pleas and causes, civil and criminal, not under the value of twenty pounds, except where titles of land were concerned, as fully as the Courts of King's bench, common pleas and exchequers within his Majesty's Kingdom of England, with the right of appeal to the governor and council.

After the death of Bellomont, Joseph Dudley who, in 1686, had acted for a short time as president of New England, was appointed governor of Massachusetts and New Hampshire, by a commission which passed the seals April 1, 1702. Partridge

continued as lieutenant-governor for a time, but was superseded by John Usher, whose commission was dated June 10, 1703. On the 6th of April, 1702, a letter of instructions was sent to Dudley, instructing him to permit freedom of debate in the council ; to select in the choice of members of the council, judges, assistants, justices and sheriffs, men of good life, and of good estates and abilities, well affected towards the crown and not necessitous; to transmit copies of laws to England; to see that members of the assembly were chosen only by freeholders; that the governor should not go to England without royal permission; to urge a fixed salary for the governor; not to permit the value of money to be altered; not to lessen the revenue; to send a map of the territory and a copy of the journals of the assembly to England; to allow liberty of conscience to all but papists; to discountenance drunkenness, debauchery, swearing and blasphemy; send a census to England and a record of births and deaths; to have harbors fortified; to assist other plantations in distress; to prevent cruelty to servants; to convert negroes and Indians, and to build structures to give employment to the poor. On the 26th of July, 1703, another letter of instructions was sent to Governor Dudley, as follows:

"WHEREAS John Usher, Esq., whom we have been pleased to constitute our Lieutenant-Governor of our Province of New Hampshire is near related by marriage to Samuel Allen, Esq., the proprietor of the said Province; and whereas there are matters in dispute and causes depending between the said Allen and others our good subjects concerning titles of land in that Province; we have thought it requisite to direct that the said Usher shall not intermeddle in any manner with the appointing of Judges or juries, or otherwise in matters relating to such disputes between the said Allen and any person or persons whatsoever. And our will and pleasure is and we do accordingly hereby expressly order that you our Governor-in-Chief of our said Province do give all necessary directions in the appointing of Judges, Juries and other officers for the trial and decision of such causes, and that you do take particular care in inspecting whatever relates thereunto, to the end that impartial justice may be administered to all our good subjects therein concerned."

It is not proposed to follow in detail the acts of the successive administrations during the early part of the eighteenth century. Queen Anne died August 1, 1714, William having died March 8, 1702. By virtue of an act of Parliament authorizing the governor to hold office six months after the sovereign's death, Dudley held over for the permitted time and then withdrew. He was, however, almost immediately reinstated, and continued in the executive chair until April, 1715, when he was superseded. On the retirement of Dudley, Colonel Eliseus Burgess, who had seen service in Spain, was appointed governor of Massachusetts and New Hampshire, but declined, and George Vaughan, a New Hampshire man, and son of the old councillor, William Vaughan, was appointed lieutenant-governor of New Hampshire. Samuel Shute, also a colonel in the army, was appointed governor of Massachusetts and New Hampshire in 1716. Shute and Vaughan entertained different ideas of their official duties. Shute, who, like Bellomont and Dudley, was governor of Massachusetts as well as of New Hampshire, was, like them, a non-resident, and lived in Boston. He thought, however, that wherever he lived he was nevertheless the official head of the Province, and that his orders should be obeyed. Vaughan claimed that, in the absence of the governor, he was the chief magistrate. Shute sent to him an order to proclaim a day of fasting in New Hampshire, and the order was disregarded. He instructed Vaughan to prorogue the legislature, and he dissolved it. The course of the governor was approved, and Vaughan was displaced in September, 1716. John Wentworth, a councillor of the province, was then appointed lieutenant-governor, and, confining himself to acts of administration in the absence of the instructions of the gov-

ernor, as well as of his actual person, his course as practically the chief magistrate was not only approved by his superior, but met the expectations of the people.

During Governor Shute's administration settlers began to find their way beyond the circumscribed limits near the mouth of the Piscataqua. Several hundred persons from the town of Londonderry in Ireland, Irish Presbyterians, settled the town named after their old home and grants were made of the towns of Rochester, Barrington, Nottingham and Chester, and as the fear of Indian invasions lessened other places more remote from the seaboard were occupied. In 1723 Governor Shute returned to England, but Wentworth continued in the office of Lieut. Governor until 1731, and in the absence of a governor was the sole executive until after the death of George the First, which occurred in 1727. In 1728 William Burnet, son of Bishop Gilbert Burnet, of Salisbury, England, was appointed Governor of Massachusetts and New Hampshire and served about fourteen months. His troubles in Massachusetts arising from the refusal of its General Court to pay him a stated salary confined his attention chiefly to his administration in that colony, and during his term of service Wentworth continued practically the chief executive of New Hampshire. On the death of George the First the Assembly had existed for the term of five years without new elections, notwithstanding an act was passed in 1721 with the approval of the crown limiting assemblies to a term of three years. The same act prescribed for representatives a freehold qualification of three hundred pounds and for an elector of fifty pounds. Owing to disagreements between the Assembly and Council the House voted an address to the King praying for annexation to Massachusetts. While Massachusetts refused to Burnet a stated salary New Hampshire passed a vote securing to him for three years or during his administration an annual payment of two hundred pounds sterling or its equivalent of six hundred pounds in bills of credit, one third of which was to be paid to the lieutenant-governor.

Governor Burnet died September 7, 1729, and in May, 1730, Jonathan Belcher was appointed his successor. Belcher was a man of Massachusetts birth, a son of Andrew Belcher, a member of the Massachusetts Council under its Provincial Charter. He graduated at Harvard in 1699, and after traveling abroad had become a merchant, representative and a member of the Massachusetts Council. The relations between Belcher and Lieut. Governor Wentworth proved not to be agreeable, and the former required the latter to disavow all claim on the Assembly for support. Wentworth died, however, December 12, 1730, before the differences between them became serious.

In April, 1731, David Dunbar, an Irishman, who had been a colonel in the English army, was appointed lieutenant-governor, and both he and Belcher served until 1741. Dunbar proved even less agreeable to Belcher than his predecessor Wentworth and entered upon his duties with a knowledge that Belcher had earnestly sought the appointment of Henry Sherburne to his place.

The Lords of Trade urged the appointment of Dunbar, and proud of his victory over his chief, he set up the old claim that the lieutenant-governor was chief magistrate in the absence of the governor. He organized a movement to secure the dismissal of Belcher to meet a counter-movement on the part of Belcher urging his own. Dunbar went to England in 1737, and his departure was followed by a letter from the governor to the ministry, renewing his advocacy of the appointment of Sherburne as lieutenant-governor, and declaring that the public business of New Hampshire would always have been carried on with decency and good order had the province been so happy as never to have seen Colonel Dunbar. The Assembly settled upon Belcher a salary of £600 in bills of credit, and received word from him



that he did not expect to make any allowance to the lieutenant-governor. During Belcher's administration the desire again revived among the people for permanent annexation to Massachusetts. Belcher favored it, but Dunbar opposed it. In 1741 the connection of both Belcher and Dunbar with the government of New Hampshire ceased, and for the first time in nearly fifty years New Hampshire was to have a governor of its own, and be freed from a partnership with Massachusetts. During that time it is true that Massachusetts had as good reason as New Hampshire to complain of a possession of only one-half of a governor, but the fact of his residence in Boston gave to the Massachusetts colony an importance of which its neighboring province could not fail to be jealous. Henceforth New Hampshire, with its large territory and increasing population, was to have an individuality and independence which it had not before possessed.

During the twinship of New Hampshire with Massachusetts, besides the enactments of 1696 and 1699, relating to the courts already referred to, there were others worthy of mention in this narrative. In June, 1701, a law was passed securing the record of deeds in order that the conveyance should be valid against others than the grantors. In May, 1718, it was ordered that the selectmen shall insert articles in the warrant for a town meeting requested by ten freeholders, and that no matter should be acted on unless stated in the warrant. In May, 1719, it was provided that the freeholders of the several towns ratable at £20 beside the poll, should meet in March annually, and choose, three, five, seven or nine selectmen, a town clerk, overseers of the poor, a commission for assessments, constables, tything men, fence-viewers, clerks of the market, sealers of leather, assessors, and an auditing committee. It was also provided that towns at such meetings might make by-laws not repugnant to the laws of the province. In October, 1721, it was enacted that no Assembly should continue longer than three years from the time it was called and qualified, and that no person should be a representative unless he held real estate within the province of the value of £300. It was also provided that no person should have the liberty of voting unless he had real estate to the value of £50, which qualification should be decided by the moderator of the meeting, together with the selectmen, and that the person so qualified might vote in the town where the real estate might be, although he were not an inhabitant of such town.

Though not within the above period, it may be well to refer at this point in the narrative to the only law passed during the remainder of the province life bearing on its constitutional history. An act was passed by the assembly, and approved by the Crown March 19, 1771, which divided the province into five counties—Rockingham, Strafford, Hillsborough, Cheshire and Grafton; and in the same act it was provided that the Superior Court of Judicature should be held at Portsmouth on the first Tuesday of March, and at Exeter the first Tuesday of September for the county of Rockingham, at Amherst for the county of Hillsborough on the second Tuesday of September, and at Keene for the county of Cheshire the third Tuesday of September. This court had previously been held at Portsmouth for the whole province, and was now to be held by four justices appointed by the governor. The act provided, also, that an Inferior Court of Common Pleas should be held by four justices appointed by the governor in each county; at Portsmouth for Rockingham, the first Tuesday of November, February and May; at Amherst for the county of Hillsborough, the first Tuesday of October, January, April and July; at Keene for the county of Cheshire the second Tuesday of January and April. The counties of Strafford and Grafton were to be considered for the purposes of the courts parts of Rockingham county. There were also to be held in the counties of Rockingham,

Hillsborough and Cheshire, Courts of General Sessions of the Peace. In addition to the above counties, the following were established at later periods: Coos county was formed in 1803, Merrimack in 1823, Sullivan in 1827, Belknap and Carroll counties in 1840.

By a commission which passed the seals April 4, 1741, Bennington Wentworth, son of the former lieutenant-governor, John Wentworth, was appointed governor and commander-in-chief. Governor Wentworth was born in the province in 1696, and graduated at Harvard in 1715. He had been a member of the assembly and a councillor, and during a visit to England secured his commission. He served as governor until his resignation in 1766, and died at Portsmouth, October 14, 1770. In 1849 a serious altercation arose between the governor and the assembly on account of the election of Richard Waldron speaker. The governor negatived the choice, and the assembly complained of his act as an abuse of its privilege and an abuse of power. The governor also issued writs of election to some new towns, leaving out others with equal claims, and the assembly refused to admit the new members. The controversy continued through the session, which terminated in 1852, and no public business was transacted. Feeble efforts were made to have Wentworth displaced, but at the next session of the assembly Meshech Weare was chosen speaker, and the choice was approved. In appointments to office one of the causes of discontent was that he was too liberal in the bestowment of favors on his own kindred. George Jaffrey was president of the council, chief justice and treasurer; Theodore Atkinson was secretary and chief justice of the Court of Common Pleas; Jotham Odiorne was a judge of the Superior Court; Thomas Packer, sheriff; and Henry Sherburne, Richard Wibird, Ellis Huske and Samuel Solly were councillors, all of whom were connected with him in their family relations.

On the 11th of August, 1766, John Wentworth, son of Mark Hunking Wentworth, and a nephew of Governor Benning Wentworth, was appointed governor by George the Third. He was born in the province in 1736, and graduated at Harvard in 1755. He served as governor until 1775, when, ever loyal to his king, he retired from office, and was, not long after, appointed governor of Nova Scotia, residing in Halifax, where he died April 8th, 1820. He received the degree of doctor of laws from Dartmouth College and from Oxford and Aberdeen, and was made a baronet by King George. The territory of New Hampshire, as described in the commission of the governor, was "bounded on the south side by a curved line, pursuing the course of Merrimac river, at three miles distance on the north side thereof, beginning at the Atlantic Ocean and ending at a point due north of a place called Pawtucket Falls, and by a straight line drawn from thence, due west, across the said river, till it meets with other governments, and bounded on the north side by a line passing up through the mouth of Piscataqua harbor, and up the middle of the river unto the river Newichwannock, (part of which is called Salmon Falls), and through the middle of the same to the farthest head thereof; and from thence north, two degrees westerly, until one hundred and twenty miles be finished from the mouth of Piscataqua harbor aforesaid, or until it meets with our other governments; and by a dividing line parting the Isle of Shoals, and running through the middle of the harbor between the said islands to the sea on the southwesterly side the southwesterly part of the said islands."

The commission gave the governor authority to appoint a council of seven freeholders, subject to royal approval, to call the assembly together, to suspend members of the council, and with the consent of the council and assembly to enact laws subject to approval of the king in council; to veto laws, establish courts, appoint

judges, pardon offenders, and generally, as provided in previous commissions, to act for the protection and welfare of the province. The approach of the Revolution, of course, put an end to the administration of Governor Wentworth. In May, 1774, the assembly appointed a committee of correspondence consisting of John Wentworth, speaker of the House; Samuel Cutts, John Giddings, Clement March, Josiah Bartlett, Henry Prescott, and John Pickering.

The governor adjourned the assembly, and after a few days dissolved it. In July the assembly again met at the call of the committee of safety, and the governor, attended by the sheriff, appeared and called on them to disperse. After the governor left the meeting the assembly adjourned to another hall and issued a call to the people of the province to send delegates to a convention to be held in Exeter for the purpose of choosing delegates to a Continental Congress. The convention met in July, attended by eighty-five delegates, and chose Nathaniel Folsom and John Sullivan delegates to attend the congress to be held in Philadelphia in September. In January, 1775, a second convention, consisting of one hundred and forty-four delegates, was held in Exeter to consult on the state of affairs, and chose John Sullivan and John Langdon delegates to a Continental Congress to be held in May.

In May, 1775, the governor called the Assembly together and delivered a speech, in which he called on its members as the only loyal and constitutional representatives of the people to direct their counsels to such measures as might tend to secure their peace and safety and an affectionate reconciliation with the mother country. At the request of the Assembly the governor adjourned it to the 12th of June. In the meantime a third convention convened at Exeter, April 21, 1775, consisting of sixty-eight delegates, and a fourth met at the same place May 17, 1775. This last convention, or Provincial Congress, instructed the representatives as to the course they should pursue at the adjourned session. When the Assembly reconvened it obeyed the convention in expelling three members from three new townships selected by the governor, and the Assembly was adjourned till the 11th of July. The governor retired to the fort, and when the Assembly again met he sent a message adjourning it to the 28th of September. He then removed to Boston, but returned to the Isle of Shoals in September and issued a proclamation adjourning the Assembly to the next April. The Assembly of the province, however, never again met. The governor had abandoned his post, the provincial government was at an end, and for a time the affairs of the province were in the hands of the convention.

Allusion has been made to the settlements during the administration of Lieutenant-Governor John Wentworth remote from the lands near the mouth of the Piscataqua river. At a later time during the administration of Governor Benning Wentworth settlers adventured further into the wilderness and sought permanent homes beyond the Green Mountains. Among these settlements was that of the town of Bennington, named after the governor. No sooner had these settlements begun than the governor of New York protested against the issue of grants by the governor of New Hampshire within territory claimed by him under the grant in 1664 of Charles the Second to his brother, the Duke of York. By that grant New York was bounded on the east by the Connecticut river. The province of Connecticut had settled its boundary controversy with New York by an amicable agreement on a line twenty miles east of the Hudson river. The Connecticut line was extended north to make the western boundary of Massachusetts, and New Hampshire claimed a further extension of the line as its western boundary.

Between 1749 and 1767 Governor Wentworth made one hundred and thirty-eight grants west of the Connecticut river, and that territory came to be known as New



Hampshire Grants. When the town of Bennington was granted, with its westerly boundary twenty miles from the Hudson, the governor and council of New York remonstrated and issued a proclamation claiming the territory.

The governor ordered the sheriff to make a return of the names of all the settlers west of the Connecticut claiming under grants from the governor of New Hampshire. Governor Wentworth also issued a proclamation dated March 13, 1764, claiming jurisdiction over the territory. New York appealed to the king, and its claim to the Connecticut river was allowed. Writs of ejectment against the settlers were issued and litigation began. Among the settlers of the town of Bennington was Ethan Allen, who afterwards distinguished himself in the Revolution, and he was especially resolute in resisting the claims of New York. Military organizations were formed to forcibly resist ejectments, and Allen was the leader of the Green Mountain Boys, as they were called. In 1774 Governor Tryon, of New York, issued an order for Ethan Allen, Seth Warner, Remember Baker, Robert Cochran, Peleg Sunderland, Silvanus Moore, James Breckenridge and John Smith to surrender themselves within thirty days under penalty of felony and death. Rewards of £150 for Allen and £50 for each of the others were offered, and a counter reward was offered for the attorney-general of New York. The contest went on until stopped by the Revolution. In 1776 the inhabitants of the territory petitioned the Continental Congress for admission of the New Hampshire Grants under the name of Vermont. The objections, however, of New York prevailed. In 1777 Vermont declared independence from Great Britain and applied for admission to the Confederation. In 1781 Congress proposed admission with a conditional curtailment of territory, which Vermont refused. In 1790 the proposition of New York to relinquish its claim on the payment of \$30,000 was accepted, and March 4, 1791, Vermont was admitted into the Union as a state.

But the separation of the New Hampshire Grants from New Hampshire was the cause of a controversy with the parent state as well as with New York. The people of Vermont not only declared themselves a free and independent state, but they laid claim to territory on the east of the Connecticut river as well as all on the west up to a line twenty miles from the Hudson river. They held that the original grant of New Hampshire to Mason extended no further than a line sixty miles from the sea, and that the royal commissions which held jurisdiction over land west of that line were vacated by the independence of the colonies. On this theory they assumed that the towns beyond that line were released from the jurisdiction of New Hampshire and were at liberty to attach themselves to any government. Sixteen of these towns—Cornish, Lebanon, Dresden, Lime, Oxford, Piermont, Haverhill, Bath, Lyman, Apthorp, Enfield, Canaan, Orange, Landaff, New Concord and Franconia—all lying on the east side of the Connecticut river, petitioned Vermont to receive them, claiming that they were not connected with any state. The Vermont Assembly was not favorably disposed towards the petitioners until some of the towns on the west side of the river, whose natural affinities were with those on the east, threatened to withdraw and with their friends across the river form a new state.

The sixteen towns were finally received, and invitations were extended to other towns in New Hampshire to follow their example. Of course the President of New Hampshire protested against the proceedings and wrote to the New Hampshire delegates in Congress to endeavor to obtain the interposition of that body. It was soon found that Congress was opposed to the Vermont scheme, and at the next session of the Vermont Assembly there was shown a decided indisposition to erect the sixteen towns into a county. When this became manifest the representatives of these towns

withdrew from the Assembly and were followed by some from the other side of the river, and a convention was held with the view of setting up a new state by the name of New Connecticut. The Governor of Vermont wrote to the Assembly of New Hampshire disapproving any connection with the sixteen towns, and so matters stood until December, 1778, when a convention of delegates from both sides of the river met at Cornish and agreed to unite. They passed resolutions in which they proposed to New Hampshire to agree with them in a boundary line, or to submit the dispute to Congress or other arbitrators. If neither of these proposals should be accepted they were willing to agree with New Hampshire on a form of government for the whole ancient territory to the line twenty miles from the Hudson River regardless of the claim of New York approved by the Crown in 1764.

In the meantime New Hampshire endeavored in 1779 to form a constitution in which its claim to the New Hampshire grants west of the Connecticut River was reserved. New York still insisted on its claim to the Connecticut River, and it was suspected that New York and New Hampshire were entering into a plan to divide the New Hampshire grants between the two states. Vermont as a counter-move extended its claim westerly into Vermont and still further easterly into New Hampshire. At this time Massachusetts appeared as a claimant to a part of Vermont, and as a step towards a settlement of the complicated controversy application was made to Congress to intercede. A further element of the trouble was that Vermont without any established boundary lines had declared independence and applied for admission to the Confederacy. Congress advised the passage of acts by the three states of New Hampshire, New York and Massachusetts authorizing Congress to settle the dispute. New York and New Hampshire followed the advice, but nothing could be done without Massachusetts. In 1781 Congress declared it an indispensable preliminary to the recognition of Vermont that it should relinquish all demands of land and jurisdiction on the east side of the Connecticut and on the west side of the Hudson River twenty mile line. Vermont refused, and in 1782 the condition of affairs became so serious that General Washington wrote to the Governor of Vermont advising the relinquishment above referred to and adding, "There is no calamity within the compass of my foresight which is more to be dreaded than a necessity of coercion on the part of Congress; and consequently every endeavor should be used to prevent the execution of so disagreeable a measure. It must involve the ruin of that state against which the resentment of the others is pointed." On the receipt of the above letter the Assembly of Vermont in the temporary absence of members from the east side of Connecticut adopted the advice of Washington and resolved "that the western bank of Connecticut River on the one part, and a line drawn from the north-west corner of Massachusetts northward to Lake Champlain on the other part be the eastern and western boundaries of the state of Vermont, and that they relinquish all claim of jurisdiction without these limits."

The members from the east side of the river, on their arrival, found themselves, much to their surprise, excluded from their seats. They did not, however, return to their old allegiance. In the counties of Cheshire and Grafton, which contained the revolting towns, the courts of both New Hampshire and Vermont had been holding sessions, and, when the Vermont courts ceased to be held, attempts were made to prevent the sessions of those of New Hampshire. An adjournment of the Inferior Court was forcibly made, and those of the leaders of the party opposing its session were arrested, and bound over to the Superior Court. After an indictment had been found against them, they pleaded guilty, and threw themselves on the mercy of the court. Their punishment was remitted on the condition of their keeping the

peace. And with this incident, peace once more reigned throughout the state. The Fifth Convention, or Provincial Congress, met at Exeter, December 21, 1775, and on the 28th of December chose a committee, consisting of Matthew Thornton, Meschick Weare, Ebenezer Thompson, Wyseman Claggett, Benjamin Giles, John Giddings and Joseph Badger, to adopt a Constitution of government. On the 5th of January, 1776, the committee reported a form of government as follows :

“IN CONGRESS AT EXETER, JANUARY 5, 1776.

“We the members of the Congress of the Colony of New Hampshire chosen and appointed by the free suffrage of the people of said Colony and authorized and empowered by them to meet together and use such means and pursue such measures as we shall judge best for the public good and in particular to establish some form of government, provided that measure should be recommended by the Continental Congress and a recommendation to that purpose having been transmitted to us from the said Congress have taken into our serious consideration the unhappy circumstances into which the Colony is involved by means of many grievous and offensive acts of the British parliament depriving us of our natural and Constitutional rights and privileges; to enforce obedience to which acts a powerful fleet and army have been sent into this country by the ministry of Great Britain who have exercised a wanton and cruel abuse of their power in destroying the lives and properties of the colonists in many places with fire and sword taking the ships and lading from many of the honest and industrious inhabitants of the Colony employed in commerce agreeable to the laws and customs a long time used here.

“The sudden and abrupt departure of His Excellency John Wentworth Esq. our late Governor and several of the Council leaving us destitute of legislation, and no executive courts being open to punish criminal offenders, whereby the lives and properties of the honest people of this Colony are liable to the machinations and evil designs of wicked men;

“Therefore for the preservation of peace and good order and for the security of the lives and properties of the inhabitants of this Colony we conceive ourselves reduced to the necessity of establishing a form of government to continue during the present unhappy and unnatural contest with Great Britain, protesting and declaring that we never sought to throw off our dependence upon Great Britain but felt ourselves happy under her protection while we could enjoy our constitutional rights and privileges, and that we shall rejoice if such reconciliation between us and our parent state can be effected as shall be approved by the Continental Congress in whose prudence and wisdom we confide.

“Accordingly pursuant to the trust reposed in us we do resolve that this Congress assume the name power and authority of a house of representatives or assembly for the Colony of New Hampshire, and that said house then proceed to choose twelve persons being reputable freeholders and inhabitants within the Colony in the following manner viz: Five in the County of Rockingham, two in the County of Strafford, two in the County of Hillsborough, two in the County of Cheshire and one in the County of Grafton, to be a distinct and separate branch of the legislature by the name of a Council for this Colony, to continue as such until the third Wednesday in December next, any seven of whom to be a quorum to do business.

“That such Council appoint their President, and in his absence that the senior councillor preside.

“That a Secretary be appointed by both branches who may be a councillor or otherwise as they shall choose.

“That no act or resolve shall be valid and put in execution unless agreed to and passed by both branches of the legislature.

“That all public officers for the said Colony and each county for the current year be appointed by the council and assembly except the several clerks of the executive courts who shall be appointed by the Justices of the respective courts.

“That all bills, resolves or votes for raising, levying and collecting money originate in the house of representatives.

“That at any session of the council and assembly neither branch shall adjourn for any longer time than from Saturday till the next Monday without consent of the other.



"And it is further resolved that if the present unhappy dispute with Great Britain should continue longer than this present year and the Continental Congress give no instructions or directions to the contrary, the council be chosen by the people of each respective county in such manner as the council and house of representatives shall order.

"That general and field officers of the militia, on any vacancy be appointed by the two houses, and all inferior officers be chosen by the respective companies.

"That all officers of the army be appointed by the two houses, except they should direct otherwise in case of any emergency.

"That all civil officers for the Colony and for each county be appointed and the time of their continuance in office be determined by the two houses except Clerks of Courts and county treasurers and recorders of deeds.

"That the treasurer and a recorder of deeds for each county be annually chosen by the people of each county respectively; the votes for such officers to be returned to the respective courts of general sessions of the peace in the county there to be ascertained as the council and assembly shall hereafter direct.

"That precepts in the name of the council and assembly signed by the President of the Council and the speaker of the house of representatives shall issue annually at or before the first day of November for the choice of a council and house of representatives to be returned by the third Wednesday in November then next ensuing in such manner as the council and assembly shall hereafter prescribe."

Mescheck Weare was chosen president of the council, and on the 19th of March, 1776, the council made proclamation of the form of government. On the 11th of June, 1776, a committee was appointed, consisting of Samuel Cutts, Timothy Walker, John Dudley, Wyseman Claggett, John Hurd and the secretary, Ebenezer Thompson, to make a draft of a declaration of independence and of the sentiments of the government relative to the United Colonies forming themselves into independent states. On the 15th of June, 1776, the committee reported the following draft, which was accepted;

"WHEREAS it now appears an undoubted fact that notwithstanding all the dutiful petitions and decent remonstrances from the American Colonies and the upmost exertions of their best friends in England on their behalf the British Ministry arbitrary and vindictive are yet determined to reduce by fire and sword our bleeding country to their absolute obedience; and for this purpose in addition to their own forces have engaged great numbers of foreign mercenaries, who may be now on their passage here, accompanied by a powerful fleet to ravage and plunder the sea-coast; from all which we may reasonably expect the most dismal scenes of distress the ensuing year unless we exert ourselves by every means and precaution possible; and whereas we of this colony of New Hampshire have the example of several of the most respectable of our sister colonies before us for entering upon that most important step of a disunion from Great Britain, and declaring ourselves free and independent of the crown thereof, being impelled thereto by the most violent and injurious treatment; and it appearing absolutely necessary in this most critical juncture of our public affairs that the honorable the Continental Congress who have this important object under their immediate consideration, should be also informed of our resolutions thereon without loss of time, we do hereby declare that it is the opinion of this assembly that our delegates at the Continental Congress should be instructed, and they are hereby instructed, to join with the other colonies in declaring the thirteen United Colonies a free and independent state solemnly pledging our faith and honor that we will, on our parts, support the measure with our lives and fortunes; and that in consequence thereof they the Continental Congress, on whose wisdom, fidelity and integrity we rely may enter into and form such alliances as they may judge most conducive to the present safety and future advantage of the American colonies; provided the regulation of our internal police be under the direction of our own assembly.

"Entered according to the original.

"Att:—NOAH EMERY.

"Clk D. REPS."

On the 25th of February, 1778, the assembly and council met in convention and voted that the people be called upon to meet by their representatives at Concord, on the second Wednesday in June, for the purpose of forming a permanent government of the state. The convention met at the time and place mentioned, and after framing a constitution of government, it was submitted to the people and rejected.

On the 5th of April, 1781, the following preamble and vote were adopted by the House of Representatives and concurred in by the council the next day:

“WHEREAS the present situation of affairs in this state makes it necessary that a full and free representation of the inhabitants thereof should meet in convention for the sole purpose of forming and laying a permanent plan or system of government for the future happiness and well being of the good people of this state and this house having received instructions from a considerable part of their constituents for that purpose therefore voted and resolved that the honorable the president of the Council issue to every town, parish and district within that part of this state east of the Connecticut River a precept recommending to them to elect and choose one or more persons as they shall judge it expedient to convene at Concord in said state on the first Tuesday of June next, for the purpose aforesaid saving to the small towns liberty to join two or more together if they see fit to elect and send one person to represent them in said convention. And such system or form of government as may be agreed upon by such convention being printed and sent to each and every town parish and district in this state, for the approbation of the people, which system or form of government being approved of by such number of the inhabitants of this state in their respective town meetings legally called for that purpose as shall be ordered by said convention and a return of such approbation being made to said convention and confirmed by them shall remain as a permanent system or form of government of this state and not otherwise. And if the first proposed system or form of government should be rejected by the people that the same convention shall be empowered to proceed and make such amendments and alterations from time to time as may be necessary, provided always, that after such alterations the same be sent out for the approbation of the people in manner as aforesaid and that the charge and expense of each member of such convention be defrayed by their respective electors.

“Sent up by CAPTAIN PICKERING.

“In Council April 6, 1781.

“Resolve for calling a convention to meet at Concord on the first Tuesday of June next, to form a system or plan of government, brought up, read and concurred.”

The convention met pursuant to the call, and was in existence about two years and a half, during which time it had probably nine sessions. During that time it framed three Constitutions, two of which were rejected. The third Constitution was ratified by the people in 1783, and took effect on the first Wednesday of June, 1784. The leading features of the adopted Constitution were as follows: It provided for a general court, composed of a Senate and House of Representatives. The Senate was to consist of twelve persons of the Protestant religion, with a freehold qualification of two hundred pounds in real estate, lying within the state, who were thirty years of age, and had been an inhabitant of the state for seven years immediately preceding their election. The senators were to represent districts into which the state might be divided by the General Court, the five counties of the state forming the districts until otherwise ordered. Rockingham county having five senators, Strafford two, Hillsborough two, Cheshire two and Grafton one. Every town having one hundred and fifty ratable polls was to be entitled to one representative, and one additional for every three hundred polls above that number; towns with less than one hundred and fifty polls to be classed together for representation. Every member of the House was required to have an estate within his town of the value of one hundred pounds, one-half of which was to be a freehold, and he was to be of the Protestant religion. The

executive magistrate was to be styled president, and it was required that he should be thirty years of age, possess an estate of the value of five hundred pounds, one-half consisting of a freehold within the state. The president of the state was to be the president of the Senate, with a vote like the other members, and also a casting vote. The council was to consist of two members of the Senate and three of the House of Representatives, chosen by joint ballot of the two houses. The state secretary, treasurer, and commissary-general were to be also chosen by joint ballot of the two houses. county treasurers and registers of deeds were to be chosen by the voters of the several counties.

Judicial officers were to hold their offices during good behavior, but might be removed by the address of both houses.

Clerks of courts were to be appointed by the several courts.

Members of Congress were to be chosen by concurrent vote of the two houses for one year, the Constitution of the United States not having then been adopted with a different position.

Every male inhabitant of twenty-one years of age who had paid a poll-tax was given the right to vote.

The Constitution finally provided for a convention to be held at the expiration of ten years to consider its alteration and revision.

New Hampshire ratified the Articles of Confederation March 4, 1778. After an experience of some years it was found that a confederation would be wholly inadequate to bind together thirteen distinct sovereignties. James Madison, of Virginia, proposed a convention of the states for the adoption of a constitution. The convention was held in Philadelphia in 1787, and the delegates from New Hampshire were Nicholas Gilman, John Langdon, John Pickering and Benjamin West, all of whom signed the Constitution adopted by the convention. Gilman was twenty-five years of age and the youngest member of the convention. The Constitution was submitted to the states for ratification, and in February, 1788, a convention was held in Exeter to consider the question. At the end of ten days an adjournment was had until June, when the convention reconvened at Concord, and on the 21st of June decided by a vote of fifty-seven to forty-six in favor of ratification. The Constitution provided that it should take effect when adopted by nine states, and New Hampshire being the ninth, its action was the cause of great rejoicing.

Pursuant to a provision in the Constitution, delegates were chosen on the 8th of August, 1791, to a convention which met at Concord on the 7th of September following. After referring the Constitution to a committee the convention adjourned to the 8th of February, 1792. Seventy-two articles of amendment were adopted, and pending their submission to the people, the convention was adjourned to the 30th of May, when it was found that forty-six of the amendments had been ratified. In order to correct some inconsistencies arising from the rejection of a large number of articles, the convention adopted other articles, and on the 5th of June adjourned to the 5th of September. In the meantime the new articles were submitted to the people and ratified. The Constitution, as it stood after the incorporation of the amendments, included alterations of the old Constitution, of which the following were the most important:

The senate was to consist of thirteen members instead of twelve, to be chosen in districts defined by the General Court, and was to choose its own president and other officers. The executive magistrate was to be a governor instead of president, and the council was to consist of five members, one chosen in each county possessing an estate of the value of £500 within the state, of which £300 must be a freehold in his own right.



It is impossible in this sketch to give even a synopsis of the Constitution of 1792, and the alterations above indicated throw but little light on the real character of that instrument. It was provided that at the expiration of every seven years the legislature should pass an act providing for taking the sense of the people on the expediency of calling a convention for a further revision of the Constitution. In 1799 the voters decided in the negative by a vote of 4,246 to 2,478; in 1806, by a vote of 10,903 to 1,722; in 1820, by a vote of 13,853 to 2,407; in 1827, by a vote of 11,818 to 4,623; in 1833, by a vote of 12,183 to 5,973; in 1837, by a vote of 16,830 to 2,821; in 1844, by a vote of 20,994 to 10,855; in 1846, by a vote of 12,415 to 4,583; and in 1849 they decided in the affirmative by a vote of 28,877 to 14,482. In accordance with the vote of 1849 the legislature provided for a convention, which was held in Concord November 6, 1850. The convention, with one adjournment from November 22d to December 3d, continued in session until January 3, 1851, when, after the adoption of various amendments, and their submission to the people, it adjourned to the 16th of April. During the interval all the amendments were rejected by the people, and when the convention reconvened it adopted three new amendments, abolishing the religious test, abolishing the property qualification and providing a new mode of amending the Constitution. The amendment abolishing the property qualification was ratified and the other two were rejected. In 1860 the voters decided in favor of a convention by a vote of 11,078 to 9,753, and in 1864 by a vote of 18,422 to 15,348, but notwithstanding these affirmative votes the legislature deemed it inexpedient to provide for one. In 1875 the vote in favor of a convention was 28,971 to 10,912, and a convention was duly held at Concord December 6, 1876.

The chief amendments adopted by the convention and ratified by the people were as follows: The words "and except in cases in which the value in controversy does not exceed one hundred dollars and title of real estate is not concerned" were inserted in the provision for a trial by jury. Concerning the General Court, biennial sessions were substituted for annual; and also the biennial naming of civil officers instead of annual in cases not otherwise provided for in the Constitution. A provision was inserted that "the General Court shall not authorize any town to loan or give its money on credit directly or indirectly for the benefit of any corporation having for its object a dividend of profits, or in any way aid the same by taking its stock in bonds." The biennial election of representatives, and senators, governor, and council was provided for, and every town or place entitled to town privileges and wards of cities having six hundred inhabitants was given one representative; having eighteen hundred, two representatives; and one additional for every increasing number of twelve hundred. Towns of less than six hundred inhabitants were to be classed. The senate was to consist of twenty-four members chosen in twenty-four districts defined by the Legislature. In the qualification of the governor and senators the Protestant test was struck out. Registers of probate, solicitors and sheriffs were to be chosen by the people of the several counties, as well as the treasurers and registers of deeds. In the provision for the encouragement of literature it was ordered that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination.

In 1885 the people again decided in favor of a convention by a vote of eleven thousand four hundred and sixty-six to ten thousand two hundred and thirteen, and the convention was duly held at Concord on the second of January, 1889. The following seven amendments were adopted and submitted to the people:

"1st. To change the time of the meeting of the Legislature from June to January, and to change the time when terms of office should begin.

"2nd. To compensate the members of the assembly by a fixed salary.

"3rd. To fill vacancies in the senate by a new election.

"4th. To have the speaker of the House act as governor in case of vacancies in the offices of governor and president of the senate.

"5th. To insert an article prohibiting the manufacture, or sale, or keeping for sale of alcoholic or intoxicating liquor as a beverage.

"6th. To make the Bill of Rights non-sectarian.

"7th. To change the method of representation of classed towns."

The fifth and six amendments were rejected, the fifth receiving 25,786 yeas and 30,976 nays, and the sixth receiving 27,737 yeas and 20,048 nays, and a two-thirds' vote being required.

In 1894 the people again voted on the expediency of calling a constitutional convention, and decided in the negative by a vote of 13,681 yeas to 16,689 nays; and again in 1895 they decided in the negative by a vote of 14,099 yeas to 19,831 nays.

Before closing this sketch it is proper that the government of counties should be referred to. Under the law each county is required to choose biennially three county commissioners, a sheriff, county solicitor, register of deeds and a register of probate. The clerks of the courts are appointed by the judges of the courts, and they and the register of deeds and register of probate may appoint deputies in case of sickness for terms not exceeding six months, with the approval of their bondsmen and of the county commissioners. In case of a vacancy in the Board of commissioners the Supreme Court may fill it for the remainder of the term. Any county officer may be removed for official misconduct by the Supreme Court. Besides the above officers there is in each county a county convention, composed of the representatives in the county, which has the power to buy or sell real estate when necessary, has charge of expenditures in the erection or alteration of buildings exceeding one thousand dollars, to issue bonds for the county debts and grant county taxes. The county commissioners have the care of all the county buildings and property and biennially send to the secretary of state a statement of the treasury and the amount of money needed, which is forwarded to the clerk of the convention and made the basis of the county tax. The commissioners can expend on the county buildings a sum not exceeding one thousand dollars and have charge of county paupers and the county farm and house of correction.

In towns, a moderator and a board of supervisors of elections are chosen biennially, and the moderator presides at all meetings whether for the election of town or other officers. There are also chosen three selectmen, a town clerk, school board and a town treasurer, and other usual town officers. The selectmen are chosen by a majority vote, and the moderator, clerk, school board and treasurer by a plurality vote. In cities, city and ward officers are chosen by a plurality vote, and members of Congress are chosen by a plurality, and state officers by a majority.

The capitol of the state in Concord is a handsome granite edifice built in 1816, to which an ornamental and effective porch was added in 1865. A building for the state library was completed in 1895 at a cost of about \$300,000, which is used in its upper story by the Supreme Court. In the early days of the state the legislature had no fixed habitation. From 1680 to 1775 the Assembly met at Portsmouth; from 1775 to 1807 the legislature met from time to time at various places, Exeter, Concord, Hopkinton, Dover, Amherst, Charleston and Hanover, and since 1807 it has met at Concord.

The statutes of New Hampshire, which during the provincial period required

the approval of the king in council, and were jointly with the commissions to the royal governors the organic law of the province and its statutes since the days of the province which are the legitimate outgrowths of its constitution should be referred to in this sketch.

The first revision of the laws of the province was made in 1716, under the direction of a commission composed of Richard Gerrish, Joseph Smith, Theodore Atkinson, John Plaisted, Thomas Phipps and Mark Hunkin; the second in 1761 by Mescheck Weare; the third in 1771 by William Parker, Samuel Livermore, Peter Leavins and George Jaffreys; the fourth in 1789 by Samuel Livermore, Josiah Bartlett, John Sullivan, John Pickering and Daniel Humphreys; the fifth in 1792 by Jeremiah Smith, Nathaniel Peabody and John Samuel Sherburne; the sixth in 1797 by Samuel Adams; the seventh in 1815 by Jeremiah Smith, John P. Hale and Moses Hodgdon; the eighth in 1830 by Charles H. Atherton, John Harris and James Bartlett, so far as the probate laws were concerned, and by William A. Richardson, John Porter and Samuel D. Bell, for the other laws; the ninth in 1840 by Joel Parker, Samuel D. Bell and Charles J. Fox; the tenth in 1853 by Ralph Metcalf, Calvin Ainsworth and Samuel H. Ayres; the eleventh in 1867 by Samuel D. Bell, Asa Fowler and George Y. Sawyer; the twelfth in 1878 by J. Everett Sargent, Levi W. Barton and Joseph F. Wiggin; and the thirteenth in 1891 by William M. Chase, Ira Colby and William H. Cotton. During the provincial period, and up to February 3, 1889, a law remained on the statute book regulating the distribution of estates in accordance with the Mosaic Law, in giving a double share to the oldest son. Under the revised law of the above date the present method of distribution was put in force.

The several governors during the provincial period have been referred to. Under the Constitution of 1784 they bore the title of president, and were:

Mescheck Weare . . . . .	1784-1785	John Langdon . . . . .	1788-1789
John Langdon . . . . .	1785-1786	John Sullivan . . . . .	1789-1790
John Sullivan . . . . .	1786-1788	Josiah Bartlett . . . . .	1790-1792

#### UNDER THE CONSTITUTION OF 1792.

Josiah Bartlett . . . . .	1792-1794	John Bell . . . . .	1828-1830
John Taylor Gilman . . . . .	1794-1805	Matthew Harvey . . . . .	1830-1831
John Langdon . . . . .	1805-1809	Samuel Dinsmore . . . . .	1831-1834
Jeremiah Smith . . . . .	1809-1810	William Badger . . . . .	1834-1836
John Langdon . . . . .	1810-1812	Isaac Hill . . . . .	1836-1839
William Plummer . . . . .	1812-1813	John Page . . . . .	1839-1842
John Taylor Gilman . . . . .	1813-1816	Henry Hubbard . . . . .	1842-1844
William Plummer . . . . .	1816-1819	John H. Steele . . . . .	1844-1846
Samuel Bell . . . . .	1819-1823	Anthony Colby . . . . .	1846-1847
Levi Woodbury . . . . .	1823-1824	Jerry W. Williams . . . . .	1847-1849
David L. Morrill . . . . .	1824-1827	Samuel Dinsmore . . . . .	1849-1852
Benjamin Pierce . . . . .	1827-1828		

#### UNDER THE CONSTITUTION OF 1852.

Noah Martin . . . . .	1852-1854	Walter Harriman . . . . .	1867-1869
Nathaniel B. Baker . . . . .	1854-1855	Onslow Stearns . . . . .	1869-1871
Ralph Metcalf . . . . .	1855-1857	James A. Weston . . . . .	1871-1872
William Haile . . . . .	1857-1859	Ezekiel A. Straw . . . . .	1872-1874
Ichabod Goodwin . . . . .	1859-1861	James A. Weston . . . . .	1874-1875
Nathaniel S. Berry . . . . .	1861-1863	Person C. Cheney . . . . .	1875-1877
Joseph A. Gilmore . . . . .	1863-1865	Benj. F. Prescott . . . . .	1877-1879
Frederick Smyth . . . . .	1865-1867		



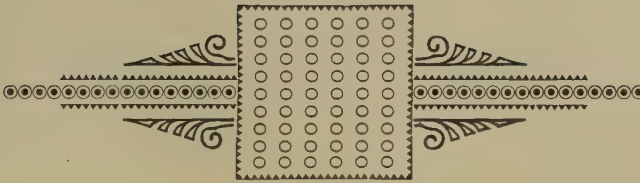
## UNDER THE CONSTITUTION OF 1878.

Nath. Head . . . . .	1879-1881	Moody Currier . . . . .	1885-1887
Charles H. Bell . . . . .	1881-1883	Charles H. Sawyer . . . . .	1887-1889
Samuel W. Hale . . . . .	1883-1885		

## UNDER THE CONSTITUTION OF 1889.

Daniel H. Goodell . . . . .	1889-1891	Chas. Albert Bissell . . . . .	1895-1897
Hiram A. Tuttle . . . . .	1891-1893	Geo. A. Ramsdell . . . . .	1897-1899
John Butler Smith . . . . .	1893-1895		


With these details, which the writer has added rather on account of their general interest than as belonging to the field of constitutional history, and for which he is indebted, as well as for much other material, to Hon. Ezra S. Stearns, secretary of state, who has been an ardent student of New Hampshire history, and is one of the most thorough and accurate authorities, this narrative, already exceeding its allotted space, must be brought to a close.



## CHAPTER CXXIII.

### THE HISTORY OF EDUCATION IN NEW HAMPSHIRE.

BY SAMUEL COLCORD BARTLETT, D.D., LL.D.

N a review of the history of education in New Hampshire certain facts in the history of the state itself require to be borne in mind. Although the first settlement was made at Dover in 1623, it was more than a century before any considerable number of townships were occupied. The first four towns, Dover, Portsmouth, Exeter and Hampton, might properly be termed town-states till A. D. 1641, when they were brought under the jurisdiction of Massachusetts. At length the English authorities decided against this jurisdiction, and in 1680 New Hampshire became a separate royal province. Thus from 1641 to 1680 the state was subject to the school laws of Massachusetts, and thence until the Revolution to the legislation of the assembly summoned by the royal governor, with the concurrence of the governor and council. It was only in 1784 that the people of the state had a constitution of their own adoption. Under these diverse conditions it was to be expected that the educational movement would be varied and to some degree tentative. The incoming of population, meanwhile, was a long and slow process. Until the union with Massachusetts the entire population is said not to have been more than one thousand; at the dissolution of that union, about five thousand; in 1730 it was estimated at ten thousand; and in 1771, according to Dr. Sanborn's history, it was between sixty and seventy thousand. Prior to 1760 but four townships were settled on the Connecticut river—none of them north of Charleston—and on the Merrimack none north of Salisbury. Yet, under all these disadvantages, the educational movement was from the outset strong and somewhat steadily progressive, and whether judged by the provisions made or the results accomplished, the educational forces of New Hampshire have been among the foremost in the country. It is also noteworthy how the spontaneous and local movement has, for the most part, been in advance of central legislation.

The subject naturally falls into three divisions: (1) Public schools, or institutions controlled by the state; (2) Academies, or private schools; (3) Dartmouth College.

(1) Public schools or institutions controlled by the state. The earliest legislation which, theoretically at least, affected the cause of education in the state, was the Massachusetts ordinance requiring every township of fifty householders to "appoint one to teach all such children as shall report unto him to write and read," and every township of one hundred families to "set up a grammar school." How far this enactment would apply to the small settlements in the early period cannot be definitely ascertained. But in the earlier times and long afterwards voluntary action seems to have been in advance of legislative pressure. Neighbors joined to procure

a teacher for their children. Occasionally the minister of the gospel became the first teacher. Even near the close of the eighteenth century certain school-masters, such as "Master Tappan" and "Master Chase," passed from place to place, spending a few weeks in each.

From the lack of records these beginnings are not always traceable. Thus Philemon Pormort, a Boston teacher who removed to Exeter in 1637, is understood to have exercised his function there. Daniel Maud, who became the minister of Dover in 1642, a graduate of Cambridge (like four of his predecessors), and previously a free-school master in Boston, can hardly have failed to exert an unrecorded influence for education in his new home. The town records of Hampton in 1649 contain an agreement with John Legat "to teach the children of, or belonging to, our town, both male and female (which are capable of learning), to read and write and cast accounts (if desired), and diligently and carefully as he is able thus to teach and instruct them," at a salary of twenty pounds a year. This appears to be the earliest distinct trace of what is called the town-school system in New Hampshire; and it is specially noteworthy as placing both sexes thus early on the same basis of instruction. The town-school system, theoretically introduced under the laws of Massachusetts, continued till 1805, being re-established when the state became a royal province. In 1805 it was superseded by the district-school system, but was restored by act of legislature in 1855.

Meanwhile, in 1693, amid all the distress and distraction of the war with French and Indians, it was enacted by the assembly that "for the building and repairing of meeting-houses, ministers' houses and school-houses, and allowing a salary to a school-master of each town of this province, the selectmen in their respective towns shall raise money by an equal rate and assessment upon the inhabitants, and every town within this province (Dover only excepted during the war) shall from and after the publication hereof provide a school-master for the supply of the town on penalty of ten pounds, and for neglect hereof one-half to be paid to their Majesties and the other half to the poor of the town." At this time there do not appear to have been more than six incorporated towns. Again in 1719, when there were not more than twice that number, the assembly enacted that "every town within this province having fifty householders or upwards shall be constantly provided of a school-master to teach children to read and write. And when any town or towns shall have the number of one hundred families or householders, there shall also be a grammar school set up and kept in every such town; and some discreet person, of good conversation, well instructed in the languages, shall be procured to be the master thereof, every such school-master to be suitably paid and encouraged by the inhabitants. And the selectmen of such towns respectively are hereby empowered to agree with such school-master for salary, and to raise money by way of rate upon the inhabitants to pay the same." In case of neglect to comply for six months after the passage of the act, the town incurred the penalty of twenty pounds, to be levied by the court of quarter sessions on complaint made to the same. This act, it will be seen, provides for a constant common school in the one class of towns, requires in the other, also, instruction in the languages, guarantees the financial basis of the schools, and enforces the whole arrangement by suitable penalties. Two years later (in 1721) this act was supplemented by another, which, in its preamble, alleged "a neglect of sundry towns to provide grammar schools, whereby their youth lose much of their time to the great hindrance of learning," and in the body of the act gave an edge to the law by transferring the penalty of twenty pounds from the town to its selectmen.

Notwithstanding this neglect of "sundry towns," the indications are clear that,



with the increasing immigration which began about this time, the general zeal in the cause of education was not created by law, but was quite in advance of it, especially wherever the colony was largely composed of religious men. Provisions for preaching and for teaching were seldom far asunder, and meeting-house and school-house went side by side. Sixteen families of Scotch Presbyterians took possession of Londonderry in 1719, on the day of their arrival held religious services under an oak, the next year purchased the Indian title, and in 1724 voted to build a school-house. A larger body of settlers came to Concord in 1728, and while engaged in building their houses, chose a committee to secure a minister at a hundred pounds per annum, and in March, 1731, voted to levy a tax for the support of two schools. The first settlement in Chester was made in 1761; and the warrant for the first town meeting contained, as the first article after the choice of a moderator, the proposal to see "whether the town would raise money to hire schooling," and as its second "to hire preaching." Candia, incorporated in 1764, voted for the next three years the sums of one hundred, two hundred, and two hundred and fifty dollars (continental currency), to "hire schooling."

The provision for preaching naturally, and perhaps commonly, preceded that for the school, though sometimes simultaneous with it. But occasionally the school came first. Salisbury, at its first town meeting (in 1768), voted to raise money for school purposes, and it was not till June, 1771, that it ventured to invite and offer a salary to a minister, Rev. J. Elliott. In Acworth the schoolmaster had been at his work some two years before the formation of the church, and eleven years before the erection of the church edifice. Antrim, incorporated in 1777, with but twenty families, had already had its schools for seven years. Henniker, at its first town meeting in 1768, voted to settle a minister, and in the March following, to raise money for a school; but two years before the action of the town, Mrs. Josiah Wood had been keeping a school in her kitchen. Such instances show the spirit which prompted a large part of the early settlers of New Hampshire. The preacher and the teacher were the signs and the guaranties of their civilization.

When, by the Revolution, New Hampshire became an independent state, its Constitution, approved by the people, adopted in convention, and taking effect in June, 1784, contained the following emphatic declaration: "Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interests of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trade, manufactures, and natural history of the country." This sweeping article, evidently intended to cover the promotion of every form of human knowledge, was retained in the amended Constitution of 1792, and still stands as part of the fundamental law of the commonwealth.

The first legislation, under this instruction, took place in June, 1789. During the long struggles, distractions, and poverty of intervening years, the law of 1719 had failed to secure universal compliance. In New Hampshire, as well as in Massachusetts, it was not uncommon for towns, or their selectmen, to be indicted for neglect. In some instances even the town voted to indemnify the selectmen for their delinquency, it being cheaper to pay the fine than to maintain the school. The act of 1789 repealed all previous legislation on the subject, and required the selectmen "to

assess annually the inhabitants of their respective towns, at the rate of five pounds for every twenty shillings of their proportion of the public taxes for the time being, which sum shall be applied to the sole purpose of keeping an English grammar-school, or schools, for teaching reading, writing, and arithmetic;" and in case of a shire or half-shire town, the school must also teach the Latin and Greek languages. Every teacher must "produce a certificate from some able and reputable school-master or preceptor of some academy or president of some college, that he is well qualified to teach such school." To make sure against all evasions of the law it was provided that, in case of neglect, the selectmen should pay the whole amount required by the law "out of their own goods and estates, the same being appropriated for keeping the school in that town," and the town clerk was required to see to the application of the money.

In 1791 the rate was raised to seven and a half pounds for every pound of public taxes; in 1799 it was changed to thirty dollars for every dollar of public taxes, and a college "tutor" was added to the list of those who might grant certificates; in 1804 the rate was made forty-five to one, and the requirement for teaching Greek and Latin was omitted, very likely because the era of academies had entered, and they were making better arrangements for teaching the classic tongues than was then practicable in the public schools even of the shire towns. In 1807 the school rate of taxation was made seventy to one of the public taxes; in 1818, ninety; in 1853, a hundred and fifty; in 1854, a hundred and seventy-five; in 1855, two hundred; in 1867, two hundred and fifty; in 1870, three hundred and fifty; and still other provisions for the support of the common schools were made at later periods, presently to be mentioned.

Meanwhile, an important and, for that time being, beneficial change was introduced in 1805, namely, the system of district-schools. Immigration had then mostly ceased, and the townships were not only occupied, but by a widely-scattered population. There were no cities, few large towns, and no great centres of trade—unless Portsmouth be excepted. Quite commonly, though not invariably, there was somewhere in the township a small village, containing a trader's and one or more mechanic's shops, and possibly a tavern; but the population as a whole was somewhat equally distributed on farms throughout the town. This condition of things called for a similar distribution of schools. It was an experiment, and occasioned no little experimental and progressive legislation before it was satisfactorily adjusted. It proceeded by installments.

The act of 1805 empowered the towns to divide into school districts, and each district to raise money "for erecting, repairing or purchasing a school-house and the necessary utensils for the same," and each district to choose a committee for the purpose (called a superintending committee) and a clerk to keep the records. An act of December, 1808, required of the schools "teaching the various sounds and powers of the letters in the English language, reading, writing, geography, and such other branches of an education as it may be necessary to teach in an English school." It also provided definitely for the employment of schoolmistresses; but it required of them only the ability to teach the first four of the above-mentioned subjects, granting them the liberty, however, to teach also "such other branches of female education as may be deemed necessary to be taught in schools under their tuition," a liberty which they sometimes used in those early days to teach not only needlework when desired, but also the ten commandments and even occasionally the catechism, with no known evil results. This was the first step in the movement which eventually resulted in placing the chief part of the school instruction in the hands of

lady teachers. That this measure was not earlier adopted may be due to two facts: first, that few young women had then been led or disposed to qualify themselves for the work; and second, that during the longer (the winter) sessions in those days the schools were frequented by many young men of mature years. The same act empowered the district to hold half an acre of land, an amount afterwards (in 1838) increased to two acres.

Another important advance was made at this time (1808) in the requirement that each town appoint "two or more suitable persons whose duty it shall be annually to visit and inspect the schools." The quickening impulse of this measure was immediately and powerfully felt throughout the state. It deserves mention, also, that, as a matter of fact, this committee at that time and for a long course of years almost invariably included the minister of the gospel, who was very commonly its chairman and usually its most laborious member. For many years the work was done without remuneration, although in later times the town was to pay a "reasonable compensation," always small.

A noteworthy measure was the establishment (January 29, 1821) of a "Literary Fund," by taxing banks at the rate of \$50 for every \$1000 of their circulation, or one half per cent. of their capital stock, afterwards confined to the tax on the capital stock. It was to be administered by the governor, secretary and treasurer of the state, and was originally appropriated to "the endowing and supporting a college for instruction in the higher branches of science and literature," provided it be "under the control and direction of the state." The measure was undoubtedly the direct result of the attempt made by the state in 1816, and defeated in 1819, to take possession of Dartmouth College; and it apparently contemplated a rival institution, which did not materialize. By a later enactment, the money was to be annually distributed to the several towns, in proportion to the number of scholars of a certain age and time of attendance. With some modifications, the bank-tax has served a useful purpose for the cause of education to the present time. It was increased in 1866 by a tax on deposits of non-residents in savings-banks, and later by a tax on deposits or stock of non-residents in savings-banks, trust companies, loan and trust companies, loan and banking companies, and similar institutions. In 1868 the proceeds of the sale of lands belonging to the state were set apart as a school fund. Later still, a tax on dogs, yielding in some years not less than \$32,000, was also appropriated to the same use.

The progress continued. An act of June 30, 1835, empowered the several districts to raise money by a majority vote. About this time a further advance was made, when each district was required to choose a prudential committee of one or more persons, not exceeding three, who should engage the teacher and take charge of all prudential matters connected with the school, in co-operation, however, with the superintending committee already mentioned.

At length a beginning was made for the system of graded schools by the act of December, 1840, authorizing "two or more divisions" in the several schools, "according to age and acquisitions." Already, seven years previous to this (January 4, 1840), the selectmen had been required to furnish school-books to poor children at the expense of the town; and fifty years later (1883), any town or district was permitted by law, to furnish free text-books to all the scholars in the public schools.

The High School soon followed the graded school. The law of June, 1845, authorized any two or more contiguous districts to unite and establish a High School or union school, and to become a body corporate. Its prudential committee was to consist of one member of the committees of each of the districts so uniting, with



power to engage teachers, determine the ages and qualifications of the pupils, and make rules and regulations, subject to the approval of the town's superintending committee. "The teachers of every High School must be competent to teach (in addition to the branches prescribed for the common schools) history, philosophy, chemistry, book-keeping, surveying, algebra, rhetoric and logic, all which branches and the ancient and modern languages may be taught in such high schools." The governor, with the advice of the council, was to appoint annually a commissioner of schools, who should spend at least twenty weeks in the different counties each year, in order to promote by inquiries, addresses and other means, the cause of general education. The superintending committee of each town were to send their annual reports to the commissioner before the first of April, by means of which he should make his annual report to the legislature, and publish the same. (The actual appointment of a commissioner, however, was by special enactments annually suspended for several years.) Every teacher must report to the superintending committee before becoming entitled to his salary. No child under fifteen years of age was to be employed in any manufacturing establishment, unless he had attended school three months in that year; none under twelve unless he had attended six months. A later enactment (1871) required that (except in certain specified cases) every child between eight and fourteen years of age shall attend a public or private school twelve weeks each year, six consecutively.

Another stage of progress was the provision for teachers' institutes by the act of 1848. Any town was authorized to raise, in addition to the amount required by law, five per cent. of that amount for holding such institutes in the county; and subsequently it was made compulsory to raise two and afterwards three per cent. for that purpose. The provision was made more effective in 1883 by an act calling for one such institute annually in each county conducted by the Superintendent of Public Instruction (the successor of the "Commissioner"), aided by the teachers of the Normal School then in operation, and other lecturers. The necessary expenses were to be met from the proceeds of the sale of the public lands, now set apart as a fund for this purpose. A marked increase of interest and attendance resulted, so that in 1892 the several institutes were attended by nearly twelve hundred teachers.

Further progress was made in the interest of the high-school system by the "Somersworth Act" of 1848, which was afterwards made general in its application. It empowered the district to choose its own superintending committee, to establish one or more high schools and, if containing not less than one hundred scholars, to raise money at discretion for the support of such schools. This committee was authorized to divide the pupils into divisions and classes, direct what school each class should attend, prescribe qualifications for admission to the High School, regulate the transfer of the scholars, determine what text books should be used, and, besides the branches usually taught in English grammar schools, introduce such additional studies as they may direct. Of the same tendency was the power granted to the city of Manchester in 1855 to appoint by its mayor and aldermen and board of school committee a superintendent of schools for the city; and permission was given to other cities to adopt the provisions of the act. It was further enacted in 1866 that any town or any school district having one hundred children between the ages of six and sixteen may establish a high school.

Up to this time, however, although the number of schools in the state amounted to more than two thousand and six hundred, there was no definite arrangement for the special training of teachers. The committees found instructors as they could; frequently students on their way to a professional education turning aside for a year

or two to earn the means, or young women of good general education seeking transient employment. Many of them were, by reason of fullness of information, special tact, fresh zeal and earnest effort, admirable teachers, some of them unsurpassed. But the supply was precarious and inexperienced, and therefore unskilled. The first attempts within the state to furnish a regular preparation and supply of well-qualified teachers were private efforts. As early as 1823 there was established at the village of Franklin, which was then a part of Salisbury, an institution which was named the Instructors' School. It was founded by Mr. Joseph Noyes, of that place, and its principal for many years was Capt. Benjamin M. Tyler, a graduate of the Norwich (Vt.) military school. During the spring and autumn terms a teachers' class was formed and specially trained in methods of teaching and school management, as well as in the requisite branches of knowledge, thus virtually anticipating much of the process which now characterizes the normal school. The institution had a very considerable note and patronage, but at length came to an end, perhaps partly because it was in advance of the times, and mainly for lack of permanent endowment. A similar attempt was made in 1837, with apparently better prospects. In that year Rev. Samuel R. Hall, then a teacher in Phillips Andover Academy, was invited to become preceptor of Holmes Academy, Plymouth. He consented on condition that it should be called a teachers' seminary, and should have a department specially devoted to the training of teachers. An endowment was also expected. The institution was thus conducted for two years with a very excellent scheme of instruction, including classical studies indeed, but making the teachers' department prominent. The expected endowment failed, and the school closed.

At length in the year 1870 the legislature established a normal school, which was located, not without much controversy, at Plymouth, and at first in the buildings of the old Holmes Academy. The bill establishing the institution was preceded and followed by no little opposition, which, however, subsided before long. On account of this opposition the bill was very cautiously framed, and the grants of money to it at first timidly and sparingly made. The act contained the special proviso that "the said normal school shall be established without expense to the State, except the necessary expenses of the trustees, which shall not exceed \$300." For the first four years the school was sustained by the tuition and some contributions. At the end of the third year the first principal died, from overwork, it was said. During part of the fourth year but two teachers were left, each giving instruction from seven to eight hours a day, till one of them broke down. The next year (1875) the state made its first appropriation for current expenses, and the school was declared a free school; although till 1886 payment was required from those who did not complete one or two full years' study. The board of trustees, as eventually constituted, consists of the Governor, the Superintendent of Public Instruction and five other persons appointed by the Governor. The original act called for not less than twenty weeks of school session during the year and one course of study for a year covering all the branches pursued in the common schools, another course of two years comprising these and higher branches. A certificate of graduation in either course constituted a license to teach the studies comprised in that course.

At first very many pupils left the school at the end of twenty weeks. But the sessions were soon extended to thirty weeks, followed by an increasing tendency to take the two years' course. Young men are admitted at the age of seventeen, young women at sixteen; yet the average age of entrance has been at least eighteen. Tuition is free to those entering on the regular course and preparing to teach in New Hampshire; others pay at present ten dollars per annum. The two years' course, as

announced, includes (1) professional study, having special relation to schools and teaching; (2) mathematics, namely, arithmetic, book-keeping, algebra, geometry; (3) natural science, including geography, physics, chemistry, botany, physiology and hygiene; (4) history, general and special; (5) writing, drawing, singing.

As the Normal School has become more appreciated, the Legislature has steadily increased its grants of aid. An early request for \$15,000 for building and library met with only a response of \$5,000. After a few years an annual appropriation of \$5,000 was granted, cut down in 1878 to \$3,000, then restored to the original sum, raised in 1887 to \$7,000, and in 1892 to \$10,000. A grant of \$12,000 for building was made in 1887, and in 1889 the generous additional sum of \$60,000 for the same purpose. The institution is thus provided with two new and excellent buildings: the "School House," containing public rooms, apparatus, and conveniences for instruction by modern methods; and "Normal Hall," carefully planned and furnished for dormitory, boarding, and social uses.

In this connection the State Teachers' Association deserves special mention. It was formed in 1853, and has held its annual meetings since that time. Its sessions extend through two days each, and are fully occupied with able papers and discussions, partly by educators from other states. It has been well and sometimes largely attended, and has rendered important aid in stimulating and uniting teachers, encouraging the efforts of the Normal School, and thus improving the schools of the state.

At length, in the year 1885, an important, not to say fundamental, change was made, namely, an abandonment of the district system after a trial of eighty years, and a return to the town system of schools. It was the result of greatly changed conditions and a seeming necessity. Agriculture had ceased to be the one absorbing industry, and with the incoming of manufacturing establishments and railroad communications, the population had ceased to be generally distributed through the rural districts, and was gathered into villages, large towns and cities. Many districts thus lost the greater part of their school population. It was found in the year 1885 that of 2,684 schools of the state, 804, or nearly one-third, numbered twelve scholars or less each, and 307 averaged but six or less. It was manifestly a great waste of money to maintain all the apparatus and expense of separate schools at all these points, and withhold the benefit of these funds from the far greater number, thus also holding all down to a lower standard of education than was attainable by a more discriminating application and a true economy. A preparation had already been made by the powers given to certain towns and populous districts to establish graded and high schools. Accordingly in that year the Legislature reconstructed the system. The chief points of the act are as follows:

It abolished the division of the towns into school districts, except in case of districts organized under special acts of the Legislature. It directed each town to take possession of all the property hitherto belonging to the districts, to appraise the property, levy a tax upon the town to that amount and remit to the taxpayers of the several districts in due proportion. The duties previously devolving on the superintending and prudential committees were assigned to a school board of three persons in each town, chosen by ballot at the annual meeting. The school board is to provide schools at such times and places as in their judgment shall best subserve the interests of education, and as shall give all the scholars of the town as nearly equal advantages as may be practicable. To accommodate the remoter residents, the school board may use a portion of the school money not exceeding twenty-five per cent for the purpose of conveying scholars to and from said schools.



The effect of this change was soon apparent. The number of schools was decreased in seven years by the absorption of 458 of the smaller and unprofitable ones; the average length of the schools throughout the state was increased more than a month, mostly to the benefit of the rural sections; the average pay of the teachers was considerably increased, thus providing for a more experienced and better-qualified class of instructors. The attendance on private schools was somewhat diminished. The passage of the bill had been preceded and attended by much discussion and doubt, and was followed by no little opposition and criticism. It contained, however, the wise provision that "any town after five years from the time this act goes into effect may, by a majority vote, of all the voters of the town, re-establish the district system in that town," thus giving such flexibility to the whole scheme as to meet the condition and preferences of every community in the state. In 1893 the number of towns having organized schools was 232; the uncombined districts, including those existing under special acts, was 297. The number of pupils in attendance on all the public schools two weeks or more was 31,736 boys and 29,736 girls. The entire amount of school revenue for the year 1893 was \$860,259; or, in detail, town taxes \$560,321, district taxes \$140,746, Literary Fund \$76,954, local funds \$16,730, railroad tax \$2,181, dog tax \$32,303, contributions in board, fuel and money \$31,021.

The office of superintendent of public instruction has been held by A. C. Hardy in 1868 and 1870-1; J. W. Simonds, 1872-3 and 1875; Daniel G. Beede, in 1874; Charles A. Downs, 1876-80; James W. Patterson, 1881-92; Fred Gowing, 1893. The eleven years of ex-Senator Patterson's incumbency deserves especial mention, inasmuch as the change back to the town system was effected during that time and largely through his influence; and every interest of public education received his earnest, sagacious and laborious attention.

The highest of the educational institutions controlled by the state is the New Hampshire College of Agriculture and the Mechanic Arts, established in the year 1866. It had its origin, like many similar institutions in the country, in the land grant made by Congress in 1862. The portion which fell to this state was but \$80,000, a sum too small to found alone any effective educational institution. The project, however, was conceived by Dr. Asa D. Smith, then president of Dartmouth College, of combining it to some extent with that institution. An act of the legislature was procured, creating a college under the above-mentioned name, with a board of nine trustees, five of them to be appointed by the governor with advice of the council, and four by the trustees of Dartmouth College, and invested with all the powers usually belonging to such a board. The act provided for no further relation of the college to the state, except an annual report to the legislature of its "financial condition, operations and progress, recording any improvements and experiments made, with their costs and results." The trustees were empowered to locate the institution at Hanover "in connection with Dartmouth College, and with that college to make all necessary contracts in relation to the terms of connection therewith, subject to be terminated upon a notice of one year, given at any time after fourteen years, and to its furnishing to the College of Agriculture and the Mechanic Arts the free use of an experimental farm, of all requisite buildings, of the libraries, laboratories, apparatus and museums of said Dartmouth College, and to supplying such instruction in addition to that furnished by its professors and teachers as the best interests of its students may require; and also to any legacy said Dartmouth College may receive from the estate of the late David Culver." All the privileges and concessions conferred, it will be perceived, were to come from Dartmouth College, but the terms

were accepted with cheerful liberality. Free tuition was to be furnished by the new institution as far as practicable, and free lectures to be given in various parts of the state on topics pertaining to agriculture and the mechanic arts. The endowment consisted of the funds derived from the sale of the land scrip issued by the United States to the state of New Hampshire.

A contract was made April 7, 1868, between the two colleges in conformity to the legislation, Dartmouth granting the use of recitation and lecture rooms, libraries, laboratories, apparatus and museums, interchange of instructors so far as practicable, as well as use of any property which might come by the will of David Culver; and all reasonable co-operation in procuring the use of an experimental farm. At a later period Dartmouth College, having received \$15,000, not by "the will" of David Culver, but by a compromise settlement of his estate, and \$10,000 as an unconditional bequest from his widow, devoted both these amounts and about \$2,000 additional towards the building of Culver Hall; the state also, on petition, making a grant of \$15,000 for the same purpose, on condition, however, that it should be refunded if requested by the legislature. The building so erected was used jointly by the two colleges so long as the Agricultural College remained at Hanover. Meanwhile, donations and a legacy from John Conant, of Jaffrey, brought the institution a considerable adjacent tract of valuable land for a farm (165 acres), and enabled it to erect a building for dormitory and boarding uses, called Conant Hall. A farm house, a capacious and costly barn, and afterwards a well-appointed building for an experiment station, were erected by special appropriations by the legislature. Other considerable grants were made from time to time, besides a permanent annual appropriation sufficient, with fair economy, to pay the current expenses, including the salaries of the professors and of the farm superintendent. An act of Congress in 1890 made an additional appropriation amounting in that year to \$16,000, and to be increased till it should become \$25,000 a year.

The College of Agriculture commenced, with able instructors, a three years' course of study, afterwards extended to four years, and a curriculum which steadily expanded. The attendance was for some years unexpectedly small. The agricultural portion of the community were slow to appreciate its value, and it was not easy to arrange a satisfactory course of study. Many of its friends regarded its alliance to Dartmouth College as undesirable, tending to overshadow it and to discourage its students or to divert their attention and interest to a different class of studies and to other pursuits. Only a minority of its students turned to agriculture in any form. The legislature after a time endeavored to bring it into closer contact with the farming community by changing the ratio in the board of trustees, without regard to the original action and the contract founded upon it, by adding three members to the number of the state trustees, namely the governor and "two others selected from the practical farmers of the state," and appointed by the governor and council; thus making a ratio of the two colleges in the board eight to four instead of the original contract number of five to four (August 4, 1887).

The attendance, however, diminished rather than increased, averaging for the next four years but thirty-four students. In the meantime, a special inducement arose for the removal of the college, involving its separation from Dartmouth College. Benjamin Thompson, of Durham, died January 30, 1890, leaving a large amount of property, including his "Warren Farm," to the state for the establishment on that farm of "a school or college to teach the theory and practice of agriculture and other sciences connected therewith, and wherein may be taught such other arts and sciences as may be necessary to fully avail itself of the donation of

lands made by the act of Congress July 2, 1862.' Certain conditions were attached, principally the payment by the state of four per cent. interest on the appraised value of the property (aside from the Warren farm) for twenty years, except in certain contingencies. The state had accepted the trust March 5, 1891, constituting a "Benjamin Thompson State Trust Fund" with this interest money and the other assets aside from the farm, and authorizing the board of agriculture to receive possession of the Warren farm. The prevailing sentiment now speedily declared itself in favor of a union of the institution proposed by Mr. Thompson with the New Hampshire College of Agriculture and the Mechanic Arts,—which could be done only by a removal of the latter to Durham. An act of the legislature (April 10, 1891) required the trustees to terminate its connection with Dartmouth College after the necessary year's notice, to dispose of its property in Hanover, and to remove to Durham. Its government was vested in a board of thirteen trustees, including the governor and the president of the college *ex officio*, one trustee elected for the term of three years by the alumni, the other members appointed by the governor and council, one at least from each councillor district, three vacancies to occur each year. Not more than five of the governor's appointees shall belong to the same political party, and seven shall be practical farmers. The same act appropriated \$100,000 for the expense of removal and for the erection of new buildings. It also demanded from Dartmouth College, but by a subsequent act remitted, the \$15,000 advanced by the state towards the erection of Culver Hall. That building thus became in full the property of Dartmouth College, which also purchased for \$13,000 Culver Hall and twenty-two acres of land adjoining it; the Experiment Station building was sold to the Thayer School of Civil Engineering for \$3,000, and the remainder of the Conant farm passed into private hands. In 1893 the legislature passed an act making an additional appropriation of \$35,000 for completing and furnishing the buildings in process of erection at Durham. Another appropriation, voted in 1895, was vetoed by Governor Busiel.

The great increase of the resources of the institution at and before its removal, together with its improved prospects and change of location, produced a corresponding expansion in nearly all respects. In the second year the entering class of fifty was larger than the four classes together for several years prior to the removal. Its faculty in 1895 consisted of a president, Rev. Charles Murkland, Ph.D., nine professors and four instructors. Its students are of both sexes. Its buildings, all newly erected, are Thompson Hall, (128 feet by 93) devoted to offices, recitation rooms and other public apartments; Conant Hall (92 feet by 70), with ample provision for chemical and physical laboratories; two shop buildings, the largest of which (106 by 42) contains facilities for working wood and metals and in the designing and management of machinery; a model barn, costing \$10,000, and Nesmith Hall, for the uses of the Experiment Station. There is a well-selected library containing upwards of thirty-five hundred volumes. In addition to the other productive funds and income, the Benjamin Thompson State Fund, originally amounting to nearly \$400,000, is gradually to be increased by compound interest at four per cent., till in 1910, it should amount to \$800,000, the state having the right to raise it to that sum at any previous time. There are thirty-four Conant scholarships, one for each town in Cheshire county, presenting a suitable candidate (otherwise elsewhere available), to the amount of tuition and \$40 additional; and twenty senatorial scholarships, one for each senatorial district (available elsewhere in the absence of a candidate) paying the tuition. The subjects required for admission are arithmetic, algebra to quadratics, plane geometry, political and physical geography, American history and a cer-



tain knowledge of the English language and selected works of English literature. The four years' regular curriculum is summed up in the catalogue as follows:

1. Courses in agriculture, technical course, chemical course, biological course.
2. Courses in the mechanic arts, mechanical engineering course, electrical engineering course, technical chemistry course.
3. General course. The French and German languages are studied to some extent in parts of these courses. The degree conferred at the completion of the four years' course is Bachelor of Science. The institution has offered a "Summer School of Biology" and an "Institute Course in Agriculture," not precisely defined, and also a "Non-resident Course in Agriculture, designed for those farmers' sons who are unable to leave home," the instruction being given mainly by correspondence.

The first reading book in the public schools of New Hampshire appears commonly to have been the Bible, particularly the New Testament. Dillworth's spelling book was early in use, afterwards Webster's, and later Marshall's. James Hodder's Arithmetic (London, 1719), and Edward Cocker's (Scotch) made their appearance early, and in later times Pike's, Walsh's and Adams'. The Young Mathematician's Guide was used in some of the higher institutions. Other reading books in somewhat later times were Webster's Third Part, Scott's Lessons, the Columbian Orator, American Preceptor, and in the first quarter of the present century Murray's English Reader, a book containing many excellent selections of prose and poetry, perhaps open to the criticism of being too advanced for many of those by whom it was used. A noted reading book in its day was Porter's Rhetorical Reader, which appeared in 1831, and was the precursor of a much more careful training in reading and elocution. Alexander's Grammar, and afterwards Murray's, were somewhat early in use, as was also Morse's Geography. The text books of the last half century cannot be reckoned up. When the district schools were fairly established and in their best working order, great attention was paid to spelling and penmanship. The best pupils were seldom guilty of misspelling a word, while the teachers prided themselves on the excellence of their copies, which many of their pupils made a matter of equal pride to imitate. As a consequence the records, business documents and accounts, and much of the correspondence in the early part of the present century and at the close of the last century, show a singularly clear and uniform hand-writing; and perhaps it may be said that correct orthography was less exceptional than now among the same class of persons.



## CHAPTER CXXIV.

### ACADEMIES AND PRIVATE SCHOOLS.

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NEW HAMPSHIRE has been distinguished for the early establishment of a large number of academies, and for the excellence of many of the number. Not far from sixty have been incorporated within the past century and a quarter. Although not a few of the earlier ones have been unable to survive the competition of the high schools and the lack of permanent endowment, more than thirty are still in existence, many of them of a very high order. They originated at a time when the public-school system was contending with great difficulties and was in a very crude condition, after the war of the Revolution. Intelligent men in all parts of the state felt the want of higher privileges of education than could then be secured by general taxation, and hastened to meet the want. In a few instances, as at Exeter, Derry, and later at Wolfeborough and Franconia, the movement has been the work of an individual, but more commonly of a greater or smaller group; and in some cases, as at Meriden, the organization formed by combined action has been supplemented by generous donations from individuals. Many, if not most, of the earlier academies had no property but a building, procured perhaps by subscription, and depended for support upon the small tuition money; and unless sooner or later they received some permanent funds, they were, with few exceptions, doomed to ultimate extinction.

A good illustration of the mode in which the academy sometimes sprang up, did its work, and then passed away, is found in the little town of Salisbury. Some unknown individual procured in the town meeting in 1792 a vote that "the people give their approbation for an academy, to be located between Ens. Moses Garland's and Ens. Edward West's." Next came a petition to the legislature signed by forty persons, including all the intelligent and enterprising men of the place, asking for an act of incorporation. It was granted, appointing a board of trustees, three laymen and two ministers, but so guarded as not to allow the corporation to hold any real estate free from taxes. The town again approved the enterprise, with the careful qualification that the academy "be built at the expense of the erectors." It soon went into operation, a small body of men assuming the risk, with a rate of tuition "not exceeding twenty-five cents a week." In 1808 Benjamin Gale gave it the small fund of \$1000, conditioned on the maintenance of the school uninterruptedly, except for a short specified time. With this meagre equipment the school was not only maintained, even after the forfeiture of the fund, with more or less constancy till 1861, but it had included among its teachers and its pupils a large number of persons

afterwards eminent in all the walks of public life—divines, jurists, statesmen, college instructors, scientific men, whose names can not be here recounted, except to say, for example, that Gen. John A. Dix was here taught by Colonel Long, the eminent civil engineer. Similar influences were exerted by other institutions now extinct; and their number and wide dispersion have had much to do with the inspiration and development of the distinguished men who have had their origin in New Hampshire in the past. As among the most potent and diffused agencies in the educational history of the state they deserve special attention.

The earliest academy in the state was in Windham, apparently a purely private enterprise, but highly successful. It was carried on by Rev. Simon Williams, who is spoken of as a scholar of high order. It was in operation from 1768 till 1790, and had a wide influence and renown. Among his scholars were: Joseph McKeen, president of Bowdoin College; Silas Betton and Samuel Taggart, members of Congress; the first Governor Dinsmoor, and other prominent men; while nearly one-half of the Dartmouth class of 1773 came from this school. Undoubtedly the example and success had much to do with the establishment of other academies, that sprang up about the close of this enterprise.

The oldest, and still strongest, of the incorporated academies was Phillips' Exeter Academy, its charter dating from 1781. Six others were incorporated before the close of the last century: New Ipswich (now Appleton) in 1789, Chesterfield in 1790, Atkinson in 1791, Haverhill and Gilmanton in 1794, Salisbury in 1795. The last of these is extinct, the others in more or less of activity. Others worthy of mention for the work they have done, or are doing, are: Francestown Academy, incorporated in 1801, Hampton in 1810, Kimball Union at Meriden in 1813, Pinkerton at Derry in 1814, Pembroke in 1818, Union at Canaan in 1833, Brackett at Greenland in 1824, Austin at Strafford in 1834, Lancaster in 1828, Henniker in 1836, Colby at New London in 1837, McGaw Institute at Reed's Ferry in 1849, McCollom Institute at Mount Vernon in 1850, New Hampshire Conference Seminary at Tilton in 1852, New Hampton Literary Institution in 1853, St. Paul's School at Concord in 1855, Coe's Academy at Northwood in 1867, Robinson Female Seminary at Exeter in 1869, Holderness School for Boys in 1878, Proctor Academy at Andover in 1881, Sanborn Academy at Kingston in 1883, Brewster Free Academy at Wolfeboro in 1887, Dow Academy in Franconia in 1885, Nute High School in Milton in 1891.

The usual length of term-time in these institutions is about thirty-six weeks; in one instance forty, in one or two but thirty. Most of them were founded by men of decided religious convictions, and are under positive religious influences. Few are definitely sectarian, although five or six have been founded, and mainly patronized and controlled, by special denominations of Christians: *e. g.*, Colby by the Baptists, that at Tilton by the Methodists, St. Paul's and the Holderness School by the Episcopalians, Proctor Academy by the Unitarians, the New Hampton Institution at present by the Free Will Baptists. It is quite noteworthy how many, especially of the earlier academies, were originated by ministers of the gospel, and had ministers as leading members of the boards of trustees; and how, almost uniformly, it was declared, either in their charters or their constitutions, or in both, first of all that they were designed for "the promotion of piety and virtue." This phrase, or its equivalent, sometimes with the additional words, "morality," "purity," "religion," is the primary announcement in the case of Phillips, Atkinson, Gilmanton, Pinkerton, Pembroke, Appleton and others of the earlier ones; while some of the more recent and strongest institutions, such as Brewster and Dow Academies and the Nute High School, announcing themselves as not sectarian nor denominational, yet pre-



scribe that "the principles and precepts of the Christian religion shall be inculcated," and special care is also exercised for the morals of the students. Most, if not all, of these academies require attendance upon their daily religious exercises, and church attendance on Lord's Day. This fact may be assumed without further mention in the account of the particular institutions, and it presents to many persons, in connection with other considerations, a strong ground of preference for them.

As a rule the academies now offer their regular courses of study, purporting to furnish a substantial English education, with more or less of variations, and to prepare young men for college. Some of them are provided with a strong corps of teachers, and equipped with all the appointments for an excellent education. The total value of the buildings, apparatus and grounds reported by twenty-eight of them in 1892 was \$955,000, besides an unreported amount of productive funds known to be more than twice as large. Some of them are of sufficient note or historic interest to justify a more particular notice.

PHILLIPS' EXETER ACADEMY was founded by John Phillips, of Exeter, who was also a generous donor to Dartmouth and Princeton Colleges, and Phillips' Andover Academy, of which last he was joint founder with his nephew, Samuel Phillips. Three years after the founding of the Andover Academy, and one year after its incorporation, in 1781, he secured the incorporation of the Exeter Academy, giving it at the outset \$50,000, which by his last will he increased to about \$60,000—in those times a very munificent sum. From that time to this the institution has maintained its pre-eminence, and has probably not been surpassed by any similar institution in the country in the thoroughness of its work, the number of young men prepared for college, or in the number of its pupils who have risen to eminence. It has been fortunate in its instructors. Benjamin Abbot, who held the position of principal for fifty years (from 1788), was a man of rare qualifications for the place. Many of his assistants were afterwards distinguished as presidents or professors in colleges, or in public life: *e. g.*, Daniel Dana, Nathan Lord, Henry Ware, Samuel D. Parker, Joseph S. Buckminster, Hosea Hildreth, Alexander H. Everett, Francis Bowen. Among the pupils of Dr. Abbot were: Lewis Cass, Daniel Webster, John G. Palfrey, Edward Everett, Jared Sparks, John A. Dix, George Bancroft, Richard Hildreth, and many others of almost equal note. Dr. Abbot's successor, Gideon L. Soule, also held the office fifty years, maintaining the character and reputation of the institution, which still remain undiminished. The constitution, drawn up with minute and anxious care by its founder, was modeled upon that of Andover, and, like it, made the moral and religious influence its prime quality and requisite. The property of the academy has increased to some \$600,000, its buildings, apparatus and grounds being worth \$160,000. It has twenty-four endowed scholarships, and remits tuition to needy students, frequently one third of the whole number. Of late years the number of students has ranged from two to three hundred, and sometimes more, nearly nine-tenths of them pursuing, together with other branches, the study of the classic tongues. It has been for many years a principal feeder of Harvard University.

APPLETON (ORIGINALLY NEW IPSWICH) ACADEMY, the next oldest, well illustrates the educational zeal and enterprise of a very small community. The town had but four hundred inhabitants when incorporated in 1782, and now has less than one thousand. In 1787, when there were less than twelve hundred, thirty gentlemen, not content with what the public schools could do, signed an agreement to maintain a school for five years, erected a building by subscription, and procured an act of incorporation in 1789. The act declared it to be "for the purpose of pro-

moting piety and virtue, and for the education of youth in the English, Latin and Greek languages, in writing, arithmetic, music and the art of speaking, practical geometry, logic, geography, and such other of the liberal arts and sciences as opportunity may hereafter permit and as the trustees hereinafter provided shall direct." The act with singular fulness provided for every contingency, even to the value of the silver in which its permitted income should be reckoned, six shillings and eight pence per ounce, and that in the summer months the pupils should attend prayers at six o'clock in the morning. For a century it held on its way, with no resources but the tuition money and a fund of \$2,000, the annual deficit being made up by an assessment of the proprietors, or more commonly by the subscriptions of many public-spirited citizens. At its centennial, Samuel Appleton, of Boston, a native of the town, gave it the sum of \$5,000, in the hope that an equal amount might be raised besides. Its present use is mainly by residents of the town. It has had scholarly teachers, and has given their preliminary training to many able and useful men, including two members of the United States cabinet, Levi Woodbury and Amos Kendall, and it was stated in 1852 that "since the establishment of the academy one young man annually had been graduated from some college."

CHESTERFIELD ACADEMY, the next oldest, though of late so reduced as to hold but one session a year, being for the rest of the time merged in the High School, was once a noted institution, regarded as second only to Phillips' Academy. Its students came from great distances. It was incorporated in 1790, and its trustees secured for its principals the ablest graduates of Dartmouth College of those times, two of whom became members of Congress, one a judge, two others prominent in public life, and another—Thomas Hardy—so successful in his various engagements as an instructor as to have had 6,700 pupils in all. As the expenses ordinarily exceeded the income from tuition (the only source), the deficit was met by various devices, the most satisfactory of which was the agreement of public-spirited citizens (one hundred of them, in 1814) to share the burden. The quality of character and deportment cultivated in some of these early institutions is well illustrated in its regulations. Its students were forbidden to have cards or dice—then the chief and happily almost the only modes of gambling—or to frequent public-houses, to have any game or sport on Sunday, or "to treat with contempt any religious institution, sect or denomination of Christians, the sacred Scriptures, or any divine ordinance whatever." They were to "cultivate friendship with one another and kindly feelings towards mankind in general," and their "apparel must be decent, their conversation chaste, and their diversions polite." They were forbidden to dispute or contradict their preceptor, and were to rise when he entered the room. For want of funds the academy languished after 1850, its building was burned in 1859, and it was combined with the High School.

ATKINSON ACADEMY (1791) claims to have been the first academy in the United States to establish co-education, the school having been opened to both sexes in the beginning. The petition for a charter, headed by the minister, Rev. Stephen Peabody, puts foremost its moral and religious intent, and provides in ample terms for classical and other studies. Its first building was erected in the midst of general poverty, and was burned in 1802. To assist in rebuilding, the legislature first granted a lottery—a permission not uncommon then, given also to Dartmouth College and to Chesterfield Academy—which proved a failure, and next 1,300 acres of land in Coos county, which being inaccessible proved almost as great a failure. But a much better building was erected, both structures having been framed and "raised" by a general gathering of the rural population. It left, however, a long

and heavy burden of debt upon its best friend, the village pastor. At the beginning of the century the average attendance for four years was ninety-one; in the middle of the century, for five years one hundred and forty; and it was estimated that for the first seventy years at least four thousand had been trained there. In recent times the number of its students has been much reduced, but its friends, among whom Rev. Jesse Page has been prominent, have faithfully cared for its welfare, and it offers courses of English and classical study as heretofore. The library contains fifteen hundred volumes, the building is valued at \$6,000, and the vested funds amount to \$8,500.

GILMANTON ACADEMY (1794) deserves especial mention, both for the good work it has done, and for the vigorous struggle with adverse circumstances, through which it has come down to the present time. Its charter requires its principal to be "of the Protestant religion, and sound in the faith." Its fund has always been small. The quality of its teaching force can be inferred from the fact that among its principals have been two professors in theological seminaries, one college professor, three college tutors, an attorney-general of New Hampshire, a chief justice of the Court of Sessions in Maine, and the editor of its religious journal, *The Christian Mirror*. The whole town has meanwhile been marked for the sterling character of its citizens, and the prominence of many who have originated or been educated there. The academy has twice lost its main building by fire (in 1808 and in 1894), but in each case its friends have erected a better edifice than the preceding. The second destruction occurred one week before its intended centennial celebration. But just one year later the centennial commemoration was joyfully held in the new edifice. Though laboring under the disadvantages of a much reduced population and business, a vigorous near competition, and lack of direct railway connection, the academy entered hopefully on its second century under the charge of Samuel W. Robertson, A.M.

HAVERHILL ACADEMY (1794) incorporated "to promote religion, purity, virtue and morality," without funds, and therefore in later years with interruptions, has had for its instructors several who have become prominent in professional and public life, and has numbered among its graduates other equally prominent men, among whom may be mentioned Nathan Clifford, justice of the Supreme Court of the United States.

KIMBALL UNION ACADEMY at Meriden, incorporated in 1813, and opened two years later, has a noted history. The suggestion came from a young clergyman, who had been impressed with the excellence of the English schools, and desired to see a similar one in his own neighborhood, which should also assist young men toward the gospel ministry. He communicated his views to neighboring clergymen, and they enlisted two ministerial associations in Vermont and New Hampshire to decide on founding such an institution. A council was called at Windsor, Vt., composed of delegates from the general associations of Vermont, New Hampshire, Massachusetts and Connecticut, and comprising such men as President Dwight, of Yale College, Professors Porter, Woods and Stuart, of Andover Theological Seminary, and three professors of Dartmouth College. This convention, having been opened with religious services and a discourse by Dr. Dwight, carefully prepared for the academy a constitution, which was included in its charter. Hon. Daniel Kimball, for whom it was named, gave it at that time \$6,000, and at his decease the principal part of his estate, so that at one time its vested fund amounted to \$40,000. In its times of greatest prosperity its students, male and female, numbered between two and three hundred annually. It was for a long time a principal feeder of Dartmouth College,



and its principal, Cyrus Richards, LL.D., on one occasion presented himself at Hanover, bringing twenty-one young men for admission to the freshman class. The loss of part of its funds, the repeated destruction of its main building by fire, and the inconvenience of being at some distance from railway stations, have in later times somewhat interfered with its prosperity. But it continues to do an excellent work, and offers educational opportunities at lower cost than almost any other institution of equal merit in the state. In 1894 it had eight teachers, one hundred and seventy-five pupils, a library of eighteen hundred volumes, and buildings valued at \$50,000. The whole number to whom it has given instruction is very large. A count made in 1880 showed up to that time two thousand five hundred and ninety-nine actual graduates, male and female, of whom it was said with just pride that seven hundred and eighty-five were graduates of colleges (five hundred and thirty-three of Dartmouth), seven had become presidents of colleges, thirty-four professors in colleges or professional schools, four members of Congress, three judges of higher courts, and it had given instruction to four hundred and thirty teachers, three hundred and thirty-three clergymen, three hundred and ten lawyers, two hundred and eleven physicians, thirty-six editors and twenty-six foreign missionaries, many of them, no doubt, counted in more than one class. Such is sometimes the significance of the rural academy. The present principal is W. H. Cummings, A.M.

PINKERTON ACADEMY, at Derry (1814), was founded by two brothers, John and James Pinkerton, of Scotch-Irish origin, the former of whom was brought to this country by his father at the age of four years, and the latter was born here. They became the leading traders of Londonderry and the neighboring towns, and accumulated what at that time were large estates. As early as 1793 several gentlemen had established in the "Upper Village," of what is now Derry, a classical school. Its first teacher was Dr. Z. S. Moore, afterwards president of Amherst and Williams Colleges. After some years of useful work its prospects were discouraging, and Rev. E. L. Parker, the parish minister, suggested to John Pinkerton the importance and the hope of a "permanent school." The hint took effect. An act of incorporation was procured, and John Pinkerton, besides bestowing \$9,000 on each of the two Presbyterian societies of the town, gave \$13,000 as an endowment of the academy, to which James added what amounted to \$3,000 more. It soon became one of the best fitting schools in the state, being from 1819 till 1846 under the same well-known principal—Abel F. Hildreth. The character of the town and the influence of its schools appear in the fact, that from 1797, for more than half a century, there was no year in which there were not one or more natives of the original Londonderry (from which Derry was formed) in Dartmouth College, besides the considerable number of natives and graduates who resorted to other colleges. This fund at last proved inadequate to meet modern demands and competition. But in the year 1881, John H. Pinkerton, son of James, and in later life a lawyer in Boston, came to its rescue with a bequest of \$230,000. Under the principalship of George W. Bingham, A.M., the school is flourishing once more. For the year 1895 it reported seven teachers and one hundred and one pupils, of whom one-third were pursuing the study of the ancient languages, and one-fourth the modern; a library of three thousand four hundred and forty-seven volumes, increasing by the annual expenditure of \$500; buildings, etc., worth \$65,000, and a productive fund of about \$200,000. Free tuition may be granted to deserving students.

Derry has also the credit of the first incorporated female academy in the state, and one of the first of high grade in the country. In 1823 Jacob Adams bequeathed \$4,000 to establish such an academy "within one hundred rods of the east parish

meeting-house." It was opened under the charge of Miss Z. P. Grant and Miss Mary Lyon, soon became distinguished, and drew young ladies from all parts of New England. These two eminent teachers after a time removed to Ipswich, Mass., where they established a similar school, and Miss Lyon became the more distinguished head of Mount Holyoke Seminary. The "Adams Female Academy" felt the loss of its first accomplished teachers, but continued in operation for many years. When at length its continuance became impracticable, the fund was, in 1890, by permission of the court, applied to the support of a public school in the academy building, under its board of trustees.

HAMPTON ACADEMY, incorporated in 1810, and reconstructed in 1821 by transfer to a new board of trustees, secured a fund of \$9,000, and in 1855 was united with the high school, the trustees and the town committee having a joint control in its management. It deserves notice from the fact that while operated as a separate academy, among its graduates were two who became justices of the United States District Court, two United States senators, one representative in Congress, one a major-general in the United States Army, one a consul in Great Britain, one a "rail-road king," and also that Rufus Choate was here fitted for College.

PEMBROKE ACADEMY, incorporated in 1818, was founded by Dr. Abel Blanchard for the usual religious, moral and literary purposes, and the founder left by his last will a permanent fund "for the educating in said school of young men of genius and hopeful piety." The next year after incorporation a building was erected by subscription, and the academy has been in constant operation to the present time. It announces three courses of study, designated, classical, academic and English; the second including Latin and French, and excluding Greek. It has a fund of \$22,000 and a library of nine hundred volumes; a school-building valued at \$5,000, and a boarding-hall for young ladies. During its history of eighty years it has prepared many young men for college, and trained a large number of able and useful men for the various callings of private and public life; some fifteen portraits of prominent men who have been connected with it hang upon its walls. The necessary expenses of the student are moderate. Isaac Walker, A. M., has been for many years the principal.

THE NEW HAMPTON LITERARY INSTITUTION dates historically from 1821, but by its last charter from January 5, 1853. It has had three stages of history: first, as New Hampton Academy, mainly a local school in a small building among a sparse population, there being scarcely a dozen other buildings within half a mile; second, by a new charter, the "New Hampton Academical and Theological Institution," in 1825; and third, in 1853, "The New Hampton Literary Institution and Commercial College." In the second stage it was controlled by the Baptist denomination, and had a very vigorous life. Its students came from every New England state and beyond, nearly half of them (forty-five per cent.) from other states than New Hampshire, during the entire period. A female department was established, which attained high repute both for its literary and religious influence, the two departments being located in villages two miles apart. The ladies' department is stated to have had three hundred different pupils annually, at times; the theological department for twenty-three years an average of twenty-five; and the whole number of different students during this stage of the history is estimated at not less than 7,500. So economical was the management, that the catalogue for 1832 stated that the annual expense for the student need be but seventy dollars. The institution was never endowed, but depended upon the low tuition for its support, except that the two theological professors were supported by annual contributions from the Baptist churches

of the state, and this finally failed. The erection of the requisite buildings had created a troublesome and increasing debt, and it was found that the New Hampshire churches felt unable to furnish the funds necessary for the successful continuance of the institution, while "The Northern Educational Union," comprising the Baptist churches of Vermont and Canada, would do so. Accordingly it was, in 1853, transferred to the charge of the latter organization, and removed to Fairfax, Vt. The property in New Hampton passed by purchase and under a new charter into the charge of the Free-will Baptist communion. For some years A. D. Meserve, D.D., has been its principal, and the institution has prospered in the new organization. It offers English, classical and commercial courses of study, with variations and electives, and provides for the student's whole expenses (except for books and lights) at a sum not exceeding one hundred and forty-six dollars. The buildings and apparatus are reported in 1895 at \$25,000; a library of 4,000 volumes, eleven teachers, one hundred and thirty-six students, and a productive fund.

COLBY ACADEMY, in New London, was incorporated in 1837, but by legislative enactment received its present name July 15, 1878, in honor of Gov. Anthony Colby, whose family have been the chief benefactors of the school. It announces a classical and a literary course each of four years, a scientific course of five years, and a commercial course of one year; also a college course for young women. Its buildings and apparatus were reported in 1893 at \$75,000; its productive funds, including twenty-one scholarships, are given as \$100,000, and its library between three and four thousand volumes. Its advantages are offered at the annual rate of \$200, and to twenty deserving students at \$150. The catalogue of 1895 showed one hundred and sixty-six students, and mentioned that "its alumni are among the leaders in the professions and industries of the times." It stands in special connection with the Baptist communion.

THE NEW HAMPSHIRE CONFERENCE SEMINARY AND FEMALE COLLEGE, at Tilton, was opened in 1845, although not incorporated till 1852. It has a board of thirty trustees, supplemented by six "conference visitors," and is under the patronage of the Methodist Episcopal Church. The joint institutions announce an extensive range of studies and combinations of studies, with the aim of preparing students for college, and also of meeting the wants of various classes of persons who cannot afford a full course of study in colleges or professional schools. In the female college there is a classical course of six years, and a "Belles Lettres" course of five years, having degrees respectively of Mistress of the Liberal Arts, and Mistress of English Literature. In the seminary are offered a college preparatory course, with or without Greek, an English scientific course, and an industrial scientific course, each of four years. These are varied, combined and supplemented so as to present a school of fine arts, a commercial school, and apparently other electives. The property is reported at \$100,000, and the library at three thousand volumes. The faculty in 1895 consisted of Rev. Jesse M. Durrell and twelve other teachers, and the total number of students was two hundred and fifty-eight. The tuition money varies with the studies. To boarding pupils there is offered "a home and tuition in any of the literary studies" for \$197 a year. The catalogue announces that "this institution is a religious school and the English Bible is the most important text-book," the school being divided into sections for a weekly recitation each, and the whole school assembled from time to time for a general exercise in it.

ST. PAUL'S SCHOOL, at Concord, dates from 1856, and was to be "of the highest class" in order to prepare boys for college or for business; comprising thorough intellectual training, gymnastic and manly culture, and "such æsthetic culture and



accomplishments as shall tend to refine the manners and elevate the taste, together with careful moral and religious instruction." The full course covers seven years, in six "forms," and a preparatory class. The terms of admission are six hundred dollars a year. It is conducted in careful accordance with the principles and usages of the Protestant Episcopal Church. The principal, or "rector," until his death (in 1895), was Rev. Henry A. Coit, D.D., who had special gifts for the position; his successor, Rev. John H. Coit, D.D. The number of teachers in 1895 was reported as thirty-two, and the number of volumes in the library eight thousand. Though located in Concord, and incorporated by the Legislature of New Hampshire, the institution has scarcely any other relation to the state; of its eleven trustees only the rector and the bishop of the diocese reside in the state; and of the three hundred and thirty-three pupils on the catalogue of 1895 but eleven were New Hampshire boys, and only fifty others were from New England. Of the value of the buildings, apparatus or fund (if any) no information has been obtained.

COE'S ACADEMY IN NORTHWOOD, originally incorporated in 1866 as Northwood Academy, received its present name in 1875 by reason of important aid rendered by Ebenezer Coe and his son, Ebenezer S. Coe. It reports a library of eight hundred volumes, a small fund given by Mrs. Abigail A. Cate, and an annual payment of \$500 from Mrs. E. S. Coe. Its work has been somewhat local, but of much value to Northwood and the neighboring towns.

ROBINSON FEMALE SEMINARY, at Exeter, was incorporated in 1869, having been endowed by William Robinson, a native of the town, by a bequest amounting to a quarter of a million dollars. The board of trustees consists of seven members, one elected every year. The full curriculum is arranged to cover eight years, including a classical course of three years in preparation for college. The corps of teachers has numbered nine or ten, and the average attendance of pupils from one hundred and fifty to one hundred and seventy-five, of whom a majority have pursued the complete eight years' course. Instruction is free to Exeter girls, and a small tuition fee is paid by non-residents. The instruction is intended to be very thorough, and it is supposed to have been Mr. Robinson's design to make it of the same grade with Phillips' Academy. The value of the buildings, apparatus and grounds is given at \$100,000.

TILDEN FEMALE SEMINARY, in West Lebanon, was opened about 185- in a building which cost \$12,000, and was conducted successfully for thirty-five years, but closed at last for want of productive funds.

SANBORN SEMINARY, in Kingston, was incorporated in 1883, but not in operation till after five years. It was founded by Edward S. Sanborn, a native of the town. He had embodied in his will a bequest to Dartmouth College, but not long before his death superseded that will, and left a much larger sum, amounting to \$121,000, to endow Sanborn Seminary. It is managed by a board of six trustees, and in 1895 had four teachers and seventy students, of whom forty-six came from other towns. The tuition fee is \$15. There is a classical and an English course of four years each, the former designed to fit students for college, besides a preparatory course of one year. It is non-sectarian, but non-resident students are required to attend church. The chemical and physical apparatus is exceptionally good for an institution of this grade; its growing library contains fifteen hundred volumes; its buildings and apparatus have cost \$70,000.

DOW ACADEMY IN FRANCONIA was founded by Moses A. Dow, of Boston, Mass., who desired "to promote the education of boys and girls of limited means," and for this purpose established a school in the home of his boyhood. It was organized in

1885. Besides the buildings and other equipments to the amount of \$30,000, there is a productive fund of \$57,000. To carry out the design of the founder, the institution provides for the expenses of the school year for each pupil (tuition, board, washing, fuel, lights, text-books) for \$150, and gives free tuition to a limited number. It is both a classical and English school, arranged with three courses of study, including preparation for college. The number of teachers in 1895 was six, and of pupils one hundred and twenty-two. The academy is provided with good apparatus, and has laid the foundation for a museum of natural history and for a valuable library. Its announcement in 1895 states that it "is undenominational, but first, last and always Christian in its teaching," and that instruction in the Scriptures is "a regular part of the school work." Frederick W. Ernest, A.M., is its principal.

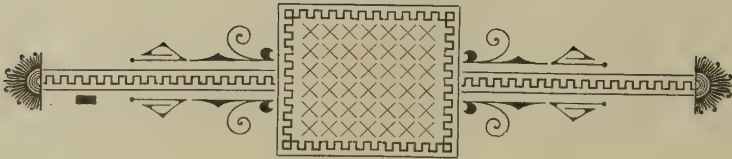
BREWSTER FREE ACADEMY in Wolfeborough, is a remarkable reconstruction in 1887 of the former Wolfeborough and Tuftonborough Academy. The endowment came by the last will of John Brewster, of Cambridge, Mass., a native of Wolfeborough. The gift is, or will become, larger than has hitherto been received in one sum by any literary institution in New England, being, it is understood, more than a million dollars. The will, after personal bequests and annuities, provides for an academy building and an edifice for a town hall and library, and devotes the income from the residue of the estate in part to the support of free schools and provision for the poor in the town, and the remainder to the academy. Mr. Brewster expressed the desire to make the instruction as near as possible free, and left the details of administration, with few limitations, in the hands of the trustees, eleven in number, a majority of whom should not be inhabitants of Wolfeborough or the adjacent towns. The act of incorporation declares that "the principles and precepts of the Christian religion shall be inculcated, but the academy shall not be a denominational or sectarian school." The trustees, it is learned, intend to make it a classical and English school of a very high order, with manual training as a specialty. Its report in 1894 showed six teachers, one hundred and one students, a library of 1200 volumes, and buildings, apparatus and grounds at present amounting to the value of \$50,000.

THE NUTE HIGH SCHOOL, in Milton, was incorporated in 1891, being founded by Lewis W. Nute, a native of the town, who had spent his business life in Boston. At his death he had accumulated an estate of about \$750,000. Of this he bequeathed to his native town, in trust, \$50,000, of which the income is to be spent on the common schools, in addition to the legal tax levy, and \$100,000 to be funded for the support of a high school and its library, together with \$25,000 for its building. Instead of managing the institution by a committee, the town chose to entrust it to a board of trustees, created by the legislature. The course of study is arranged to prepare for college and for the scientific schools. Tuition is free for the town of Milton. The building, land (ten acres), apparatus, and furnishings, have cost \$32,000. About \$600 are annually expended on the the library, which, in 1894, contained nine hundred volumes. The average number of pupils for four years has been fifty-five, of whom about one-third are non-residents and pay tuition. The school is managed in the interests of thorough education. The charter prescribes that "the precepts and principles of the Christian religion shall be inculcated, but the Nute High School shall not be a denominational or sectarian school." The by-laws require the students to attend the devotional exercises of the school every day, and one of the churches in the town each Lord's Day, and that "the principal's attention to the morals of the students shall be co-equal with his other duties." A majority of the eleven trustees are required, by the charter, to be residents of the town of Milton.

There are other meritorious institutions whose history would be found interest-

ing and instructive. But the above-mentioned include the stronger academies and private schools, of which the work and condition can be best ascertained; and they sufficiently represent the high character of the educational influences which, for more than a hundred years, have pervaded every part of New Hampshire, and called forth so many of her sons to usefulness and distinction. The state has been pre-eminent for its academies and private schools, and has not yet lost its eminence.

The facts elicited in this review present two very strongly-marked differences between the public-school system and the academies: First, the latter, instead of purporting to complete and close the education, invariably have a forward outlook, and point to the college and the professional school; and second, they almost as invariably rest on a clear and positive Christian and religious foundation.





## CHAPTER CXXV.

### DARTMOUTH COLLEGE.

BY SAMUEL COLCORD BARTLETT, D.D., LL.D.

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DARTMOUTH COLLEGE was founded by Rev. Eleazar Wheelock. He was born in Windham, Conn., April 22, 1711, O. S., and graduated with high honors at Yale College in 1729, being one of the first recipients of the Bishop Berkeley Prize for the best classical scholarship. In 1735 he became pastor of the Congregational church in Lebanon, Conn., and in due time he proved to be a man of great religious zeal, a persuasive and powerful preacher, a skillful and versatile negotiator, and a leader and adventurer of inexhaustible resources, energy and perseverance. Judged by the plans he formed, the work he achieved and the difficulties he overcame, he would seem to have had few superiors among his contemporaries. The college he founded grew out of an Indian school, and the school out of a small and casual germ. Soon after his settlement, he had begun to eke out his small salary by receiving a few young men into his family, and fitting them for college. In 1743 an Indian woman of the Mohegan tribe applied to him for her son, who had been converted two years before. After some hesitation Wheelock received him, and taught him three years. The Indian's health and his eyes failing, he gave up the purpose of a college education; and, after gaining some knowledge more or less of the Latin, Greek and Hebrew, studied theology; was licensed and ordained, and was afterwards the noted Indian preacher, Samson Occum.

This signal success with one of the aborigines was probably a determining influence in Wheelock's future course, for about the time when Occum had fairly begun to show his capacity and promise of usefulness, one evening when Wheelock was earnestly considering how his own labors could be extended beyond the limits of his parish, "it almost instantaneously occurred to him that the Indians were the most proper objects of the charitable attention of Christians." Accordingly, in 1754, he took two Indian boys under his charge, soon two others, then three more, till in 1763 he had twelve boys and seven girls. One year later, the number of scholars in his school was about thirty, of whom one-half were English youths preparing for missionary work among the Indian tribes.

Wheelock's scheme for Indian civilization steadily became broader and more thorough, until it was theoretically as complete as any that has since been attempted. In its mature form it embraced these two great features: first, the separation of a sufficient number of Indian boys and girls from their tribes, to be trained clear of all pagan environments, and educated not only in literature, but in the industrial arts and handicrafts of civilized life, as well as in domestic arts and economy—thus

to form a nucleus and basis of civilization on their return; and secondly, the joint education of English and Indian youths as missionaries to the tribes, the former sustaining and guiding the latter, both reinforced by the nucleus of civilization which should accompany them. The broad and admirable plan failed only because the times were adverse. Adequate funds and suitable agents were not to be found—there were underhand intrigues and no little open opposition; and finally, the increasing disturbances among the tribes, culminating in the War of the Revolution, which also alienated the English friends of the scheme, doomed it to defeat.

Meanwhile Wheelock had associated with him in Lebanon, by written covenant, three gentlemen to manage what was then called "Moor's Indian Charity School;" so named in honor of Joshua Moor, who gave for its use a tenement and two acres of land near Wheelock's residence. In providing for this school he was led to found the college, and in another state. He must have a charter to secure confidence and aid. Every effort to obtain an act of incorporation from the Legislature of Connecticut failed; so did all attempts to obtain a charter directly from the crown—one prior to 1760, one in 1763, one in 1765. The first was evaded by Lord Halifax, the second was entrusted to men who made no progress, the third was discouraged by Lord Dartmouth and his associates. Two petitions of the Congregational ministers of New Hampshire (in 1758 and 1759) to Governor Benning Wentworth, were made in vain. He had the same objection which was expressed by the Archbishop of Canterbury and other English bishops, to founding or helping an institution not under the control of the Church of England. Wheelock was reluctantly constrained in 1767 to convey the control of some seven thousand pounds, which had been raised for the school in England, to Lord Dartmouth and eight others, who had publicly announced themselves as trustees.

Baffled thus far, but resolute still, Wheelock determined to take the matter more directly into his own hands, with a change of plan and method. By the year 1767 hostile influences having produced a defection of the Oneida and Mohawk tribes reducing the number of Indian pupils to six, he had begun to be profoundly impressed with the necessity of increasing the number of his English missionaries, by reason of the proved uncertainty and inadequacy of the natives. For this reason, also, he needed a change of location. In the same year (1767) Governor Benning Wentworth had been superseded by his nephew, John Wentworth, a gentleman of liberal views and culture.

No sooner did the project of removal become widely known than suggestions and definite propositions came from numerous places all the way from the Kennebec to the Mississippi, and even a plan for a settlement in Carolina or Virginia was sent to England. Explorations were made on St. John's river, in Maine; on the Hudson at Troy and Albany, and the Otter Creek. Wheelock's thoughts at first turned strongly to the region of the Susquehanna, but a concurrence of circumstances ultimately fixed them upon New Hampshire.

The tide of immigration had now begun to set strongly towards New Hampshire, and the proprietors and settlers in various parts of the state were inclined to make liberal offers of land. The new towns would need a supply of ministers. The northerly portion of the state, especially, was comparatively near the Canadian Indians. To these concurrent reasons was added the still more decisive one, the hope of procuring a charter through Governor John Wentworth. After conferring with the governor personally and by letter, Wheelock gained from him in March, 1768, a definite offer of a township, six miles square, on the Connecticut, his personal aid and influence, and the implied promise of a charter on some slight conditions, one

of which was that the governor of the province should always be a member of the board of trustees. As soon as possible Wheelock sent a trusty agent to visit and report upon the proposing places in New Hampshire, as well as western Massachusetts and Albany. Among the many towns that urged their claims, the agent visited Plymouth, Campton, Rumney, Piermont, Lebanon, Plainfield, Claremont, Charlestown and Walpole, and more attentively Haverhill and Orford, to which last two he seemed especially inclined. This appears to have been Wheelock's preference; and the English "trustees," whom he consulted spoke favorably of Haverhill. He immediately forwarded to the governor a draft of a charter. His plan proposed two sets of trustees, one in this country for the actual management of the institution, the other in England to have joint power with the American board "to nominate and appoint the president from time to time," and apparently to control the funds raised in England. The governor re-drafted the charter, wisely striking out the English board. He, however, was disposed to include in the board three provincial officers besides the governor, and to insist that the Bishop of London should be a member. By wise and delicate negotiation these points were waived, the last with difficulty. Wheelock suggested the governor's name for the institution. But the latter gave it the name of Lord Dartmouth, partly in recognition of his important influence for the enterprise (though his donation had been but fifty pounds), partly for conciliation, and partly, no doubt, from commendable modesty.

A significant suggestion was contained in the postscript of Wheelock's communication to the governor: "Sir, if proper to use the word "college" instead of "academy" in the charter, I shall be well pleased with it." The suggestion was adopted, and thus the character of the institution was changed. In framing the charter (dated December 13, 1769), the governor had not only Wheelock's basis, but the advice, among others, of the eminent lawyer, William Parker. Its quality is thus characterized by Mr. Webster in his great argument for the college, March 10, 1818: "A charter of more liberal sentiments, of wiser provisions, drawn with more care, or in a better spirit, could not be expected at any time or from any other source." No person of any religious denomination or on account of his speculative sentiments in religion was to be excluded "from any of the liberties, privileges or immunities of the said college." The board of trustees was made a self-perpetuating corporation consisting of twelve members, including the governor of the province. In the first board Wheelock was favored by the appointment of seven of his personal friends from Connecticut, six being ministers; afterwards eight were to be residents of New Hampshire, and seven of them laymen. The income was restricted to £6,000 a year—a restriction since removed, as that in regard to the residence has also been modified.

Another serious difficulty immediately arose. The charter specified "the province of New Hampshire," but not the town. An excited contention now began. Indications had pointed to Haverhill or Oxford, and Col. Phelps, the agent for the college, had made contracts at the former place. Early in 1770 Hanover began to be mentioned, and by Wheelock. The governor, when he issued the charter in the name of George Third, had also granted to the college the township of Landaff, which had previously been granted to James Avery and others, and was supposed to be forfeited. He wished the college to be located there, with entire control of the township, and wrote to Wheelock that his mind was unalterably fixed on Landaff, Bath or Haverhill, his preference being in the order of mention. The four other New Hampshire trustees also wrote, urging Landaff, or a part of Haverhill not a mile away. This necessitated another wearisome exploration of eight weeks by Wheelock and four others. In a conference at Portsmouth, he brought the governor



and his friends to a unanimous decision in favor of Hanover. The result was providential, for in 1790 the court decided the former title to Landaff to be valid, and the college was dispossessed after expending not less than \$10,000 on the grant. Had the college been located there, it would have perished at its birth.

The decision for Hanover raised a storm of hostility and personal obloquy for Wheelock. The governor remained his fast friend, but was unable to secure any favorable action of the Assembly. The English board had been gravely offended by the act of incorporation. They declined to have connection with anything but the affairs of the Charity School, and when the funds in their hands had been paid over and expended, they, with the exception of Thornton, withdrew all further interest and aid.

Left thus to his own resources, and to some extent under a cloud, Wheelock held on his way and became virtually Dartmouth College. In about six weeks after the location was fixed, he was in his "hut in the woods" (August, 1770) on the five hundred acre lot given by Benning Wentworth. His students followed on foot in the next two months. A college building (80 feet by 32) and a one-story house (40 by 32) for himself and his family, were immediately under way, and before the house was ready, the family arrived over the roughest of roads, in a coach which was a present from John Thornton, of London. The family took refuge in a log hut, eighteen feet square, and without glass, while his students slept on beds of boughs under a shelter of boards raised on poles. There was no other house nearer than two miles. The place was covered with a dense forest of pines which, when felled, covered the ground in all directions to the depth of some five feet, one of which was found by measurement to be two hundred and seventy feet in length. Supplies had to be brought from a great distance, one or two hundred miles. The burdens thrown upon the President were enormous: clearing the lands and bringing them under cultivation, procuring supplies, erecting buildings, caring for the instruction, acting as treasurer, providing funds, managing a ferry, conducting a large and difficult correspondence, and other functions, all under grave complications, jealousies and oppositions. In October, 1773, he gives a list of about forty persons employed by him in a variety of manual labors, together with a considerable number of cattle kept and used by the college.

The first graduating class of four had come from Yale College. The lost Indian patronage was for a time gradually regained, not from the same tribes but from the Canadian Indians, so that at one time there were nearly twenty, ten of them, however, between the ages of ten and fourteen, and under the instruction of a matron. These were scattered by the Revolution, with the exception of five who disappeared by 1782, and for the next fifteen years left no representative.

For some time after the removal to Hanover the affairs of the school and the college were not kept so distinct as afterwards. The distinction was soon made more conspicuous, and in 1807 the legislature granted a separate incorporation of the school,—no longer styled an Indian school,—the president and trustees of the college being constituted its trustees, with power to resolve the one board into the other at any time. The state of Vermont had in 1786 conferred on the school and the college the joint ownership of the township of Wheelock, Vt. "Moore's School" was kept in nearly constant operation on a small scale till 1849, when it was closed for want of funds. It still owns a good brick building, for many years rented to the Chandler School of Science and the Arts. By careful management a fund of \$9,000 has at length accumulated, and an arrangement has recently been made to renew its work, aided and supplemented by the precinct school. Occas-

ional Indian students have been aided of late by the income of a fund raised for the purpose in Scotland about the same time as the English fund, and still held there. It amounted to \$10,000, and has accumulated from frequent disuse. It has been somewhat fitfully applied, has been a subject of discussion and controversy from the beginning, and may yet call for legal adjudication to determine its proper use.

Dr. Wheelock carried on the college with steadily-increasing numbers and reputation for ten years, when under the enormous burden and strain he was worn out and died. He was a remarkable man, and by his great abilities and indomitable energy brought his enterprise through innumerable obstacles to a permanent establishment. But so close had been the struggle that at his death the college treasurer affirmed that the assets of the college, if sold at auction, were not enough to pay its debts. During his time the faculty consisted of a president and three tutors, and the curriculum was of the restricted character then universal. At the first commencement three of the seven parts appear to have been spoken in Latin; the governor and sixty others came from Portsmouth, and by his generosity an ox was roasted whole on the green, and, together with a barrel of rum, served to the assembled multitude.

John Wheelock, LL.D., succeeded to the presidency on nomination by his father (in his last will), as provided in the charter. He was twenty-five years old, had been a college tutor and a lieutenant-colonel under General Gates, and he brought to the office an active turn and popular qualities. He visited England and Holland to raise funds, but with little success, though he carried letters from Washington and many other distinguished men. He applied also in vain to Congress. He had better success with Vermont and New Hampshire. Vermont, in 1786, granted to the college and the charity school, as already mentioned, the town of Wheelock, a small part of which is still owned by them and yields a small income from rentals. In 1789, as compensation for the heavy losses in Landaff, a grant was with much difficulty secured from New Hampshire, called the "First College Grant" (now Clarkesville), comprising some 40,000 acres, which in the course of eighty years yielded the college about \$10,000 by scattered sales; and in 1807 the "Second College Grant," a township six miles square, in the extreme northern part of the state, inalienable, which within a few years has yielded \$3,750 a year from the sale of its wood. The Provincial Assembly had, in the elder Wheelock's time, made two appropriations to the college, amounting to £660, and the original endowment of the institution, aside from the money collected in Great Britain, had consisted mostly of lands pledged prior to its location, to the amount of 40,000 acres, of which for various reasons only about 17,000 became available, and most of this was slowly disposed of under pressure. Under the second Wheelock the curriculum was gradually enlarged, and the teaching force strengthened, so that by the beginning of the present century it consisted of the president, three professors and two tutors. The current expenses in 1806 were but \$4,300, but the actual income was so much smaller that by 1814 the indebtedness amounted to \$7,500, most of it due to the president. John Phillips gave a small endowment for a professorship, which after considerable accumulation now yields an income of \$600, and Rev. Israel Evans another, which, increased in like manner, yields about \$800.

In 1798 the Medical Department was established through the persevering efforts of Dr. Nathan Smith, a man of great ability and force of character. It is theoretically, a part of Dartmouth College, controlled by the trustees, but hitherto it has been, by mutual arrangement, practically conducted by the Medical Faculty, the trustees appointing the professors and conferring the degrees on their recommenda-

tion, but leaving to them its financial affairs. It is one of the three oldest medical colleges in the country, and has had, among its faculty, some men of more than national reputation.

Except financially, the college was prosperous, and even renowned, under John Wheelock. In 1791 its graduates were more numerous than those of either Yale, Princeton, or Harvard; and from 1790 to 1800 the number of graduates (three hundred and sixty-three), was greater than that of Yale or of Princeton, and nearly equal to that of Harvard. His presidency continued for the long period of thirty-six years, during which time a very remarkable number of men, afterwards eminent in various lines, were among its graduates. An unhappy affair terminated his presidency. A controversy arose gradually between him and the majority of the trustees as to the respective prerogatives and powers of the president and the board. This, in various forms and details, was the fundamental issue, and it resulted in his removal by the board. Clearly, there were mistakes on both sides. Dr. Wheelock then appealed to the governor and legislature. They took possession of the college, converting it into a university, with an enlargement of the board of trustees and the addition of a board of overseers, and the harsh imposition of a fine of \$500 on any officer of the college who should continue his work there except under the new régime. The trustees carried the case to the Superior Court of New Hampshire, and were defeated. They appealed to the Supreme Court of the United States, where, sustained by the masterly arguments of Daniel Webster and Judge Hopkinson, the college regained its independence; and the decision was rendered on which similar corporations have rested secure to the present day. The university, after having been conducted about two years under Wheelock, as its president, by the side of Dartmouth College, and with but slight mutual friction, suddenly collapsed. But he was broken down, and died within a few months of his new appointment. Under his administration Dartmouth College had able teachers, and maintained its high reputation "upon slender funds, few books, and insignificant apparatus." Dartmouth Hall, a frame building of fine proportions, was erected in his time (1794), and is the only college edifice which has come down from the last century. The buildings erected under the first Wheelock (except a dwelling), and a chapel built by the second, have all passed away.

Dr. FRANCIS BROWN, elected president in 1815, came to a heritage of overwhelming difficulty, which he proved fully adequate to meet. He saw the institution through the exciting struggle with the state which pervaded every part of the commonwealth, and he afterwards encountered and surmounted the hostility which the college experienced from a dominant political party, from Dr. Wheelock's many friends, and apparently from certain denominational dislikes. By his firm and even temperament, clear discernment, steady courage and wise judgment, he rendered valuable aid to the great lawyers who defended the cause of the college, and thus of all literary institutions, while by his excellent spirit he gained friends. When the victory had been achieved, the prospects of the college seemed so desperate that he raised with Mr. Webster the question whether it were not better to surrender the college to the state. But Webster's reply that the liabilities to party and political influences were, in his mind, an insuperable objection, settled the question. During his brief administration of five years the college was still marked by the large proportion of young men of distinguished ability, who afterwards became eminent. It was the great life-work of Dr. Brown to have aided in saving the college; he was worn out in the struggle and died greatly lamented.

DANIEL DANA, D.D., a gentleman of ability and culture, was elected to the



presidency in 1820; but his delicate health, and perhaps his nice sensibilities, were unable to stand the strain, and he resigned in a year. BENNETT TYLER, D.D., was his successor. His labors for seven years to increase the funds and advance the general interests of the college were untiring and successful. The scheme of instruction was broadened, the confidence of the community in the character and discipline of the college was confirmed, and a powerful religious influence exerted by him personally. But he preferred to return to the pastoral work.

The administration of NATHAN LORD, D.D., LL.D., from 1828 to 1863, was an important portion of the history of the college. He was a man of strong character, dignity, acuteness and resources, with an impressive voice and manner, and a terse and finished style. He was profoundly respected by those who at any time strongly differed from him in their views, and was never forgotten by his pupils. By his discernment he surrounded himself with an able body of instructors, and the curriculum was still further expanded. An observatory was built and equipped, sufficiently creditable at the time, and the Appleton professorship of natural philosophy founded by Samuel Appleton, the first fully endowed professorship. Two brick dormitories, Thornton and Wentworth Halls, were built; also Reed Hall, a larger structure to contain the libraries, mineralogical museum and philosophical apparatus. Additional chairs of instruction were established. More than half of the alumni up to that time were graduated during his presidency. In 1851, the Chandler School of Science and the Arts was founded by Abiel Chandler by a bequest of \$50,000, and placed under the charge of the trustees, supplemented by two visitors. Its purpose was declared to be an education in the practical and useful arts of life, and the requisites for admission as prescribed by the founder were to be "no other or higher than those studies pursued in the common schools of New England." The fund has since increased to more than three times the original amount, and by the recommendation of the visitors and vote of the trustees the school has been brought into closer connection with the college as the "Chandler Scientific Course" of the college, and the original requirements raised to include French or German, physics, chemistry, physiology and botany. The degree given is Bachelor of Science.

Upon the earnest advocacy of Dr. Lord, the system of appointments founded on scholarships was abolished in 1832, but under the pressure of the general sentiment of the friends of the college it was restored in the administration of his successor. In 1863, in the middle of the Civil War, the Merrimack County Conference of Congregational Churches, by formal action, called the attention of the trustees to certain published views of Dr. Lord on the war and slavery as being out of harmony with prevailing northern sentiment, and "tending to embarrass the government;" and raised the question of "a change in the presidency." The trustees took no further action than to declare their own strongly patriotic views and attitude, whereupon he immediately resigned (July 24, 1863), and retired with dignity and kind feeling, and was held in general respect till his death, seven years later.

Dr. Lord was succeeded by ASA DODGE SMITH, D.D., LL.D., a New York pastor of long-standing and wide influence. His labors were arduous and incessant for thirteen years, until they undermined a strong constitution. His sympathy with young men, and his active interest in all the educational and religious interests of the state gradually recovered the somewhat impaired connection of the college with the churches, and increased the size of the classes. A large number of scholarships was procured, and several prizes established. Many external improvements and expansions took place in his time. In 1867 the Thayer School of Civil Engineering was founded by Sylvanus Thayer, a graduate of the college, and an early superintendent

and reorganizer of West Point Military School. The endowment amounted to \$73,000. It is managed by a board of five visitors under the ultimate control of the trustees of the college. Its classes have been small, but are increasing; and its graduates have been in demand. Professor Robert Fletcher, Ph.D., is its director. It was chiefly by Dr. Smith's exertions that the Agricultural College was brought to Hanover, one of its two buildings, Culver Hall, being owned and occupied jointly with Dartmouth College, and Conant Hall its separate property. Bissell Hall, the gymnasium, costing \$24,000, was a gift to Dartmouth College by George H. Bissell, of New York, a graduate of the college, and a native of Hanover.

During Dr. Smith's administration the largest bequest in the history of the college was made by Tappan Wentworth, a resident of Lowell, Mass., but a native of Dover, N. H. The property was at the time supposed to be worth towards \$300,000, and was subjected to no restrictions as to its use when it should have accumulated to half a million; but by reason of annuities, losses, and some complications, it brought no direct aid to the college during the administration of Dr. Smith or that of his successor, more than twenty years. With his co-operation, an arrangement was effected whereby the alumni of the college were to nominate and virtually to elect, under certain conditions, three members of the board of trustees,—the beginning of alumni representation in that body. Notwithstanding the popularity and expansion of the institution, it had been a source of great anxiety to Dr. Smith that the resources of the college were never equal to its pressing wants and expenses. His health gave way, he resigned in 1876, and in a few months died, greatly beloved, but worn out with excess of labor and care.

SAMUEL COLCORD BARTLETT, D. D., LL.D., professor in Chicago Theological Seminary, was elected president in January, 1877, entered on the duties of the office in May following, and continued fifteen years. During this period the progress and expansion of the college were continued so far as the funds would warrant. Some professorships were divided, and new chairs introduced. Tutors gradually gave way to professors. The Latin-scientific course was established, in which modern languages and other studies were substituted for the Greek. Electives were introduced to such extent as the teaching force and the resources of the college would admit; also the honor system, comprising honorable mention, special honors and final honors. Laboratory work by the students was introduced, and made prominent in physics and chemistry. Hazing was suppressed. To the one fully endowed professorship six others were added, namely, the Daniel Webster, Winkley, Parker, Stone, Cheney and New Hampshire professorships. Of the external improvements, Wilson Hall, a fire-proof library building, was erected mainly with funds bequeathed by George F. Wilson, and costing \$65,000; Rollins Chapel, given by a graduate of the college, resident in Philadelphia, Edward A. Rollins, at a cost (including the organ and memorial windows) of about \$37,000; Bartlett Hall (the Y. M. C. A. building), costing \$17,000, procured by subscription, together with the Micaiah Burleigh bequest of \$5,000; the Wheelock, costing, with the lot, \$30,000; and the park improvements, including the stone round tower. Culver Hall came into full possession of the trustees on the removal of the Agricultural College, the state remitting its own claim; and by purchase (\$13,000), Conant Hall, with twenty acres of adjoining land, on which are the athletic grounds; and some important sites fronting on the campus were recovered to the college. These things were accomplished by the addition of about \$700,000 to the college property, more than doubling the productive funds; besides almost extinguishing a debt which, in spite of all efforts at economy, had been steadily accumulating for thirty-five years, till in 1876 it had amounted to \$117,000. The second college grant was at last made productive by the

sale of its wood for the term of twenty years at \$3,750 a year. An act of the legislature was procured, removing entirely the restriction of its income to six thousand pounds; and at the same session a grant of \$10,000 was obtained from the legislature, the first for three-quarters of a century.

Upon the request of the trustees the charter was modified in one or two minor respects, as to the mode of calling a meeting of the board, and permitting five instead of only four members to be non-residents of the state. The trustees also, in June, 1891, entered into a more important arrangement with the Alumni Association, whereby five members of the board should be directly chosen by the alumni, each for the term of five years. During this period also the costly Mary Hitchcock Hospital was erected by Mr. Hiram Hitchcock, sustaining special relations to the Medical College; and by subscription the old college church was, in 1878, enlarged, and afterwards (in 1889) greatly improved. In June, 1892, Dr. Bartlett resigned the presidency, in order to secure leisure to pursue other literary work.

REV. WILLIAM JEWETT TUCKER, D.D., LL.D., professor in Andover Theological Seminary, was immediately elected to the presidency, but felt constrained to decline, and Prof. John K. Lord was appointed president pro tem. Meantime an important bequest amounting to \$200,000 for specific uses was made in August, 1892, by Ralph Butterfield, of the class of '39. Dr. Tucker was induced to reconsider his decision and was inaugurated in June, 1893. The college has been prospering under his administration. The sum of \$15,000 was granted by the state in 1893, and in 1895 the additional sum of \$10,000 was voted by the legislature, but vetoed by the governor, in connection with vetoes on three other public institutions, viz.: Hospital for the Insane, the Normal School and the Agricultural College. The course of instruction has been diversified by the increase of elective and the introduction of some additional topics. By the combination of the Chandler School with the college, and otherwise, the corps of instructors has been enlarged and the size of the classes increased. In accordance with the bequest of Ralph Butterfield, a commanding brick and stone edifice has been erected for laboratory uses, together with the establishment of a chair of Biology; and in connection therewith a plan formed and purchases made for the enlargement of the college campus. All indications point to the future prosperity of the institution.

In concluding this history of the college those familiar with all the circumstances will be strongly impressed by four facts: (1) the slender means on which it has wrought so great a work; (2) the slight aid and encouragement it has received from the state for whose character and renown it has done so much; (3) its good fortune in the quality of its students, chiefly young men of very limited means and often of poverty, resolutely bent on an education; (4) the bestowment of its beneficiary aid (scholarship funds) hitherto on a greater number of farmers' sons than any other class of young men, although it has received little favor from representatives of the farming community in the legislature.

As this narrative is passing through the press a judicial decision has ended a long litigation and given to the college the remaining portion of the Fayerweather bequest, made several years ago, amounting to about \$120,000.

For a century and a quarter Dartmouth College has been the dominant educational power in New Hampshire, extending its influence through many channels to schools of all grades and homes in all towns, directly offering the best education to all classes including the poorest, and constantly sending forth into every form of useful action well-trained and well-poised men, who have honored their Alma Mater, given dignity and renown to the state, contributed largely and widely to the welfare of the nation, and carried benign influences to distant lands.



## CHAPTER CXXVI.

### BANKING AND CURRENCY IN NEW HAMPSHIRE.

BY JOSEPH B. WALKER.

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**T**HE leading industries of New Hampshire, during the period extending from its settlement in 1623 to the Revolutionary War, were fishing, lumbering, and farming; the two first being so directed by the trade restrictions of the mother country as to bring the most revenue to her treasury. For export, the New England coast and the Grand Banks yielded fish in abundance, and the primeval woods along the Piscataqua and its branches afforded masts, spars, planks, boards, pipe staves and other forest products, while a rude agriculture furnished home supplies for the subsistence of the people.

The large trade was confined to Portsmouth, which, during the royal rule, was the political as well as the commercial capital of the province. Hence, vessels built nearby and freighted mainly with fish and lumber, were despatched to the English West Indies, where such portions of their cargoes as found a market were exchanged for island products. While the smaller ones, loaded with home supplies, returned to the port from which they had sailed, the larger continued their voyages to Spain and Portugal, where further exchanges were made, and thence to London, where their modified cargoes, and quite often the vessels themselves, were sold to British merchants. With the proceeds, their American owners paid for their importations of English goods.

A careful following of one of these voyages will show that their courses from port to port were so directed by the British government as was supposed to best subserve the interests of its exchequer.

The importations above mentioned were distributed among the inland traders, who retailed them in their several localities and received in payment therefore lumber, agricultural products, provincial bills of credit, and now and then a little of the hard money then in circulation. Nor does the need of a better currency seem to have been severely felt, as the expenses of the French and Indian Wars had been met by provincial bills of credit, the means for whose redemption had been furnished by the home government before their value had seriously depreciated.

Indeed, for the first one hundred and fifty years after the settlement of New Hampshire, this simple routine of trade made slight demands for banking facilities. Its volume was small, corresponding to its population, which in 1767 was estimated at fifty-two thousand seven hundred, and eight years after, at the opening of the Revolution, had risen to only eight-two thousand two hundred. The domestic trade was mainly a barter trade; a fact due in part to the absence of a convenient medium of exchange. And, so long as the restrictions of colonial trade continued, and so long as the people were content to live in a simplicity approaching poverty, allowing to

a favored few the sole privilege of accumulating fortunes from their industry, banking facilities were little needed.

But nationality brought to the American people new opportunities and new necessities. The highways of commerce and inland trade, multiplied and broadened, demanded new facilities for its prosecution. It is a strange fact that the American people fought through to success their great Revolution upon a few abstract principles, with little knowledge of what they had at stake, or realizing at the close of the struggle what they had gained; and it is equally so that their posterity has as yet but partially comprehended the full importance of their achievement.

Some idea of the commercial changes wrought by the Revolution in the foreign trade of New Hampshire may be gained by a comparison of the clearances from the port of Portsmouth before and after that event. It will be seen that the average number of these from 1764 to 1772 (inclusive) was one hundred and fifty-six, mainly to British ports; while from October 1, 1789 to October 1, 1791, they numbered two hundred and twenty-seven to the following countries: To the French West Indies, one hundred and thirty-six; to St. Peter's and Miquelon, nine; to England, forty-two; to Scotland, four; to Ireland, four; to the British West Indies, sixteen; to Nova Scotia, twelve; to Portugese Islands, one; to Holland and Plantations, two; to Africa, one.

The following table, copied from Belknap's "History of New Hampshire" (Vol. III, p. 219), shows the character and destination of the several products exported during the same period:

TABLE OF EXPORTATION FROM THE PORT OF PISCATAQUA, FROM OCTOBER 1, 1789, TO OCTOBER 1, 1791.

ARTICLES EXPORTED.	TO EUROPE.	W. IND.	N. SCO.	AFRICA.	TOTAL.
1000 feet of Pine Boards . . . .	6,247	11,622	96	69	18,034
" feet of Oak Plank . . . .	378	26	. .	. .	404
" Staves and Heading . . . .	1,317	1,608	44	. .	2,969
" Clapboards . . . . .	2	19	. .	. .	21
" Shingles . . . . .	. .	2,689	. .	. .	2,689
" Hoops . . . . .	. .	791 $\frac{1}{4}$	7	. .	86 $\frac{1}{4}$
Feet of Rafters . . . . .	47,000	950	. .	. .	47,950
Tons of Pine Timber . . . . .	88 $\frac{1}{2}$	86	. .	. .	174 $\frac{1}{2}$
" Oak Timber . . . . .	251	20	. .	. .	271
Frames of Houses . . . . .	. .	12	. .	. .	12
Pine Masts . . . . .	41	4	. .	. .	45
Spruce Spars . . . . .	13	72	. .	. .	85
Shook Hogsheads . . . . .	. .	2,079	. .	. .	2,079
Wagons . . . . .	. .	2	. .	. .	2
Pairs of Cart Wheels . . . . .	. .	14	. .	. .	14
Sets of Yokes and Bows . . . .	. .	28	. .	. .	28
Boats . . . . .	. .	30	. .	. .	30
Hand Spikes . . . . .	80	. .	. .	. .	80
Quintals of Dry Fish . . . . .	250	26,207	. .	. .	26,457
Barrels of Pickled Fish . . . .	. .	501	. .	. .	501
" Whale Oil . . . . .	. .	120	. .	. .	120
" Tar . . . . .	1,613	60	. .	. .	1,673
Casks of Flax Seed . . . . .	1,798	. .	. .	. .	1,798
Barrels of Beef . . . . .	. .	2,775	2	. .	2,777
" Pork . . . . .	. .	9	1	. .	10
" Rice . . . . .	. .	. .	. .	2	2
Bushels of Indian Corn . . . .	. .	391	. .	2,000	2,391
Oxen and Cows . . . . .	. .	577	33	. .	610
Horses . . . . .	. .	207	2	. .	209
Sheep . . . . .	. .	261	229	. .	490
Gallons of N. E. Rum . . . . .	. .	. .	150	1,449	1,599
" Madeira Wine . . . . .	. .	845	. .	. .	845
Thousands of Bricks . . . . .	. .	129	. .	. .	129
Tons of Potash . . . . .	88 $\frac{1}{2}$	. .	. .	. .	88 $\frac{1}{2}$
" Pearl Ash . . . . .	30 $\frac{1}{2}$	. .	. .	. .	30 $\frac{1}{2}$
Boxes of Candles . . . . .	. .	28	. .	. .	28

Total value of exportation for two years, 296,839 dollars 51 cents.

Upon the establishment of the United States Government and the regulation of the national and state finances, a period of prosperity ensued, and the trade of the country rapidly increased. The want of a satisfactory currency, together with greater facilities for borrowing and transferring money, was everywhere experienced. To afford these, banks were chartered, the first being the Bank of North America at Philadelphia, December 31, 1781; the second, the Massachusetts Bank at Boston, February 7, 1784; the third, the Maryland Bank at Baltimore, November, 1790; the fourth, the Bank of the United States at Philadelphia, February 25, 1791; the fifth, the Bank of New York at New York, March 21, 1791; the sixth, the New Hampshire Bank at Portsmouth, January 3, 1792.

These were the earliest regular banks established in the United States. The phrase, "Raising a Bank," found in the Massachusetts records as early as 1646, generally meant simply an issue of colonial treasury notes to circulate as money. At later dates, banks were occasionally organized whose capitals consisted of real estate and products of various kinds. They issued circulating notes receivable at their places of business for debts due them and payable at fixed times after their issue. It has been said that there was one such in New Hampshire. If such be the fact, it must have been a private company, as no evidence exists of the charter of such an institution. These were loan associations rather than banks and never furnished a circulating medium convertible at sight into specie. Mankind has been very slow to learn that the value of fiat money and circulating notes without that quality cannot be permanently maintained at par.

**HISTORICAL FACTS IN RELATION TO THE NEW HAMPSHIRE STATE BANKS.**—The incorporators of the New Hampshire Bank were Ammi Ruhamah Cutter, Eliphalet Ladd, Jacob Sheafe, William Gardner and John Samuel Sherburne, all of Portsmouth; the first being a distinguished physician, the last a lawyer and the others prominent men of business.

The bank was empowered, "to have, hold, purchase, receive, possess, enjoy and retain lands, rents and tenements to the amount of \$50,000 and no more, at any one time; and also monies, goods, chattels and effects, to the amount of \$200,000 and no more; and also to sell, grant, devise, alien or dispose of the same lands, rents, tenements, monies, goods, chattels and effects, provided that the said president, directors and company, nor any or either of them in their said capacity, nor any person or persons in behalf of said corporation or body politic, shall at any time directly or indirectly, use or employ any money or monies of the said corporation or body politic in trade or commerce."

It was also authorized to make and execute such laws and regulations as were necessary for its government, provided the same were not repugnant to the Constitution and laws of the state, and to have such officers as might be required in the administration of its affairs.

Its charter also provided that the first meeting of its proprietors should be holden at Portsmouth, on the last Wednesday of February, 1792, "for the choice of directors and such other purposes as the proprietors shall think proper," and that, "at this and all future meetings of said stockholders, all matters shall be determined by a majority of votes of said stockholders present or their representatives, which votes shall be according to the following proportion, that is to say:—for one share and not more than two shares, one vote; for every two shares above two, and not more than ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote." The bank was chartered for fifty years and the legislature reserved the right to examine into the conduct of its affairs whenever it saw fit to do so.



The capital stock originally paid in was \$80,000, of which the state took \$10,400, upon the stockholders giving to it a bond in the penal sum of \$20,000 to refund the same at any time within three years if the Legislature should so order. The state held this stock until about 1840, when a portion of it was given to the New Hampshire Asylum for the Insane, as a contribution in aid of the erection of the first buildings of that institution.

It is a notable fact that, nothing is said in the charter of this bank in relation to the reception of deposits by the bank or of its issue and redemption of circulating notes.\* Nor was it required by its charter or by any general statute to report its condition to the state unless directed so to do by the Legislature. Its management was left entirely to its directors, and all legislation in regard to banking was left to future enactments of the general court.

Among its earliest presidents were Hon. John Taylor Gilman, for sixteen years governor of New Hampshire, and Hon. Oliver Peabody, both residents of Exeter. It continued in operation until the expiration of its charter in 1842.

**1810.**—In 1800 this was still the only bank in the state, but during the next ten years seven others were chartered, viz.: In 1802, The New Hampshire Union Bank, at Portsmouth; in 1803, The Portsmouth Bank, at Portsmouth; The Exeter Bank, at Exeter; The Coos Bank, at Haverhill, and The Cheshire Bank, at Keene; in 1806, The Concord Bank, at Concord, and The Hillsborough Bank, at Amherst, making the whole number eight, which were doing business in the state at the end of the decade. It is a very singular fact that, owing to a disagreement among the grantees, two banks bearing the same name were established at Concord, and did a successful business under one and the same charter for twenty years.

**1820.**—During the next decade but one addition was made to this number, that of the Rockingham Bank, at Portsmouth, chartered in 1813.

The following table presents the name and condition of each bank in May, 1820, as returned to the governor. (House Journal, 1820, pp. 116-119):

BANKS.	Capital Stock paid in.	Real Estate.	Debts Due.	Specie.	Bills of other Banks.	Deposits.	Bills in Circulation.
Cheshire Bank . . . . .	\$102,000.00	\$2,054.00	\$143,919.43	\$20,111.81	\$5,496.00	\$4,600.75	\$62,118.00
Concord (Upper) Bank . .	29,600.00	2,000.00	38,560.75	11,698.22	3,008.25	5,990.47	13,030.50
Concord (Lower) Bank . .	60,000.00	1,500.00	76,627.79	22,308.00	4,777.00	663.61	41,801.00
Coos Bank . . . . .	97,700.00	1,672.36	169,968.75	†87,308.78	5,791.50	6,954.85	164,872.75
Exeter Bank . . . . .	100,000.00	3,400.00	126,327.50	3,811.10	4,746.00	3,127.39	18,590.00
N. H. Bank . . . . .	165,500.00	20,427.96	209,490.87	7,837.91	3,561.00	26,696.35	52,164.00
N. H. Union Bank . . . .	150,000.00	5,188.00	182,294.00	10,606.00	15,096.00	13,649.00	27,029.00
Portsmouth Bank . . . .	100,000.00	4,717.93	121,892.98	8,981.40	6,366.00	16,576.36	19,710.00
Rockingham Bank . . . .	100,000.00	1,000.00	118,913.80	7,628.97	3,313.98	8,953.32	18,154.00
N. H. Strafford Bank . . .	91,936.00	5,614.00	125,483.40	6,569.15	657.00	4,214.09	36,235.09
	\$996,736.00	\$47,574.25	\$1,312,779.27	\$186,861.34	\$52,812.73	\$91,431.69	\$454,724.25

† Including a deposit in the New England Bank in Boston.

It appears by the returns of these ten banks that their aggregate loans equalled 139 per cent. of their aggregate capital; circulation, 46 per cent.; deposits, 9 per cent.; specie, 18 per cent.

**1830.**—In the course of the next decade (1820-1830) ten more banks were char-

\* Its circulating notes must have been issued under the authority of the common law, which did not forbid the issue of such by individuals or associations, in the absence of any local statute to the contrary.

tered, viz.: In 1822, The Claremont Bank, at Claremont, and The Farmers' Bank, at Amherst; in 1823, The Connecticut River Bank, at Charlestown, and the Dover Bank, at Dover; in 1824, The Merrimack County Bank, at Concord, to succeed the upper Concord Bank, and The Winnepesaukee Bank, at Meredith Bridge; in 1825, The Commercial Bank, at Portsmouth, and The Pemigewasset Bank, at Plymouth; and in 1828, The Derry Bank, at Derry, and The Lebanon Bank at Lebanon.

The following table presents the name and condition of each bank in the state in 1830. (House Journal, 1830, p. 70):

BANKS.	Real Estate.	Debts Due.	Specie in Vaults.	Bills in other Banks.	Capital Stock.	Deposits.	Bills in Circulation.
Rockingham . . . .	\$1,000.00	\$129,414.28	\$6,571.10	\$10,765.35	\$100,000.00	\$19,943.39	16,034.00
New Hampshire . . .	18,560.93	203,244.00	7,578.23	1,091.00	165,500.00	16,003.75	60,764.00
Portsmouth . . . .	6,217.93	103,848.56	16,834.00	1,849.00	100,000.00	6,971.27	14,785.00
N. H. Union . . . .	6,400.00	177,241.00	6,579.00	10,435.00	150,000.00	8,133.00	24,514.00
Commercial . . . .		115,788.79	5,249.48	9,461.68	100,000.00	10,093.84	16,090.00
Piscataqua . . . .		228,392.00	19,713.03	3,767.15	160,900.00	24,617.02	56,419.00
Exeter . . . . .	4,032.88	137,476.40	10,620.67	947.00	100,000.00	10,944.08	26,401.00
Cheshire . . . . .	2,054.00	138,502.83	11,236.41	4,157.00	100,000.00	2,794.62	51,365.00
Concord . . . . .	2,076.60	128,521.73	10,946.44	3,092.00	100,000.00	14,736.33	24,590.75
Merrimack County . .	4,671.65	114,065.69	32,057.53	2,863.00	100,000.00	9,724.93	35,012.00
Derry . . . . .	2,000.00	120,044.56	42,837.96	1,227.00	100,000.00	4,399.16	61,171.00
Pemigewasset . . . .	3,480.92	63,312.01	3,012.69	1,058.00	50,000.00	463.68	17,479.00
Manufacturers' . . .	185.70	112,145.80	22,486.29	459.00	83,265.00	1,109.40	48,063.00
Dover . . . . .	10,021.00	133,023.45	4,335.70	1,663.00	125,010.00	5,045.28	15,774.00
Connecticut River . .	2,444.65	122,466.50	12,076.40	1,931.00	60,000.00	19,811.79	50,516.00
Grafton . . . . .	1,014.59	157,562.51	43,413.88	3,309.50	100,000.00	15,500.27	84,405.75
Winnepesaukee . . .	4,610.26	99,417.89	19,131.84	881.00	84,000.00	684.00	34,737.00
Lebanon . . . . .	1,300.00	127,374.91	10,983.49	1,632.00	100,000.00	4,100.84	35,705.00
Strafford . . . . .	5,000.00	141,371.24	4,825.22	1,023.00	100,000.00	6,116.00	28,018.00
Farmers' . . . . .	2,400.00	93,619.70	8,694.27	173.00	65,000.00	6,307.88	32,489.00
Claremont . . . . .	2,000.00	81,330.36	7,816.79	5,248.00	60,000.00	1,818.90	28,465.00
	\$79,471.87	\$2,728,164.21	\$307,000.42	\$67,032.68	\$2,103,675.00	\$189,324.33	\$765,797.50

The returns of these twenty-one banks show that their aggregate loans equalled 129 per cent. of their aggregate capital; circulation, 36 per cent.; deposits, 9 per cent.; specie, 14 per cent.; surplus, 6 per cent.

**1840.**—In 1840, the number of banks had been further increased to twenty-eight by the chartering, in 1830, of the Farmers' and Mechanics', afterwards the Granite Bank, at Exeter; in 1832, of The Ashuelot Bank, at Keene, and of The Lancaster Bank at Lancaster; in 1834, of The Mechanics Bank at Concord, of The Rochester Bank at Rochester, and of The Wolfeborough Bank at Wolfeborough; and in 1835, of The Nashua Bank, at Nashua.

These had in 1837 an aggregate capital of \$2,837,505; loans, \$4,099,612.80; circulation, \$1,088,750; deposits, \$420,890.99; specie, \$193,335.04.

Their aggregate loans equalled 144 per cent. of their aggregate capital; circulation, 31 per cent.; deposits, 15 per cent.; specie, nearly 8 per cent.

**1850.**—In 1850 the number of banks doing business had decreased to twenty-two. These reported aggregate capital, \$2,228,950; loans, \$3,796,496.38; circulation, \$1,628,105; deposits, \$381,528.01; specie, \$128,686.21.

At this time their aggregate loans equalled 170 per cent. of their aggregate capital; circulation, 73 per cent.; deposits, 12 per cent.; specie, nearly 6 per cent.

**1860.**—In 1860 the number of banks had increased to fifty-one by the chartering of The Warner Bank, at Warner, and the Monadnock Bank, at Jaffrey, in 1850; The

Pittsfield Bank, at Pittsfield, The Carroll County Bank, at Sandwich, The Granite State Bank, at Exeter, the Cocheco Bank, at Dover, The Salmon Falls Bank, at Salmon Falls, the Francestown Bank, at Francestown, and The Indian Head Bank, at Nashua, in 1851; The Sugar River Bank, at Newport, in 1852; The State Capital Bank, at Concord, The City Bank, at Manchester, and the Citizens' Bank, at Sanbornton, in 1853; The Pawtuckaway Bank, at Epping, The Lake Bank, at Wolfborough, The Langdon Bank, at Dover, The Weare Bank, at Hampton Falls, The Peterborough Bank, at Peterborough, and The Farmington Bank, at Farmington, in 1854; The Merrimack River Bank, at Manchester, The Somersworth Bank, at Somersworth, The Bank of New Hampshire, at Portsmouth, The Newmarket Bank, at Newmarket, The Souhegan Bank, at Milford, The Pennichuck Bank, at Nashua, and The Cheshire County Bank, at Keene, in 1855; The Union Bank, at Concord, The Pine River Bank, at Ossipee, and the Farmers' and Mechanics' Bank, at Rochester, in 1856.

The table on the next page presents the name and condition of each bank in the state on the 4th day of June, 1860.

These had an aggregate capital of \$4,941,000; loans, \$8,330,918.68; circulation, \$3,117,444; deposits, \$1,211,551.88; specie, \$253,496.35. In other words, their aggregate loans equalled 168 per cent. of their aggregate capital; circulation, 63 per cent.; deposits, 24 per cent.; specie, 5 per cent.

**1870.**—In 1870 all but three of the state banks had adopted the United States banking law and became national banks. The names of these, together with their locations, capitals, times of ceasing business as state banks and names of national banking associations are given by the bank commissioners in the following:

TABLE SHOWING THE BANKS EXAMINED BY THE COMMISSIONERS, AND THAT HAVE BECOME NATIONAL BANKING ASSOCIATIONS UNDER THE ACT OF JULY 3, 1863, WITH THE LOCALITY, DATE, NAME, ETC.

Name of State Bank.	Locality.	Capital.	Time of ceasing Business as State Bank.	Name of National Association.
Derry Bank . . . . .	Derry . . . . .	\$60,000	Aug. 31, 1864	Derry National Bank.
Claremont Bank . . . . .	Claremont . . . . .	100,000	Dec. 3, 1864	Claremont National Bank.
Francestown Bank . . . . .	Francestown . . . . .	60,000	Dec. 30, 1864	First National Bank of Francestown.
State Capital Bank . . . . .	Concord . . . . .	100,000	Mch. 18, 1865	National State Capital Bank.
Sugar River Bank . . . . .	Newport . . . . .	50,000	Mch. 31, 1865	First National Bank of Newport.
Farmers' and Mechanics' Bank . . . . .	Rochester . . . . .	60,000	Mch. 31, 1865	First National Bank of Gonvic.
Winchester Bank . . . . .	Winchester . . . . .	100,000	Apr. 29, 1865	Winchester National Bank.
Cheshire County Bank . . . . .	Keene . . . . .	100,000	Apr. 29, 1865	Keene National Bank.
Pittsfield Bank . . . . .	Pittsfield . . . . .	50,000	May 3, 1865	Pittsfield National Bank.
Carroll County Bank . . . . .	Sandwich . . . . .	50,000	May 1, 1865	Carroll County National Bank of Sandwich.
Rockingham Bank . . . . .	Portsmouth . . . . .	200,000	May 6, 1865	Rockingham National Bank.
Bank of Lebanon . . . . .	Lebanon . . . . .	100,000	May 17, 1865	Lebanon National Bank.
Ashuelot Bank . . . . .	Keene . . . . .	100,000	May 20, 1865	Ashuelot National Bank.
Merrimack River Bank . . . . .	Manchester . . . . .	150,000	May 20, 1865	First National Bank of Manchester.
Peterborough Bank . . . . .	Peterborough . . . . .	50,000	May 27, 1865	First National Bank of Peterborough.
Lake Bank . . . . .	Wolfborough . . . . .	75,000	May 29, 1865	The Lake National Bank.
Souhegan Bank . . . . .	Milford . . . . .	100,000	June 31, 1865	Souhegan National Bank.
Indian Head Bank . . . . .	Nashua . . . . .	120,000	June 12, 1865	Indian Head National Bank.
Citizens' Bank . . . . .	Sanbornton Bridge . . . . .	70,000	June 12, 1865	The Citizens' National Bank.
Somersworth Bank . . . . .	Somersworth . . . . .	100,000	June 14, 1865	Somersworth National Bank.
Great Falls Bank . . . . .	Somersworth . . . . .	150,000	June 14, 1865	Great Falls National Bank.
Monadnock Bank . . . . .	East Jaffrey . . . . .	50,000	June 13, 1865	Monadnock National Bank.
Granite State Bank . . . . .	Exeter . . . . .	100,000	June 20, 1865	Granite State National Bank.
Newmarket Bank . . . . .	Newmarket . . . . .	80,000	Aug. 1, 1865	Newmarket National Bank.
City Bank . . . . .	Manchester . . . . .	150,000	Aug. 30, 1865	City National Bank.
Strafford Bank . . . . .	Dover . . . . .	120,000	Sept. 29, 1865	Strafford National Bank.
Valley Bank . . . . .	Hillsborough . . . . .	50,000	May 1, 1869	First National Bank of Hillsborough.

The history of the national banks of New Hampshire is so recent that it need not be dwelt upon further than to say that they conform to the modern usages of trade, and that their profits are derived far more from their deposits than from their circulation. They now (1896) number fifty, and have an aggregate capital of \$5,830,000.



1860.

## NAMES OF BANKS.

NAMES OF BANKS.	Places of Business.	Capital Stock Actually Paid In.	Debts Secured by Pledge of Its Stock.	Value of Real Estate.	Amount of Debts Due the Bank.	Debts Due from Discounted Principals or Securities.	Amount of Specie in Vault.	Bills of Other Banks on Hand.	Amount of Deposits.	Deposits in Other Banks for Redemption of Bills.	Amount of Bills in Circulation.
Amoskeag	Manchester	\$200,000	\$14,300	None	\$344,272 85	\$3,560	\$5,999 79	\$5,883	\$49,084 76	\$238,087 26	133,829
Ashuelot	Keene	100,000	None	\$3,500	149,912 03	3,150	4,330 85	4,289	11,212 44	22,000 75	61,045
Bank of New Hampshire	Portsmouth	150,000	5,166 50	None	230,240 65	2,119 29	9,194 33	3,540 29	43,804 33	6,452 02	41,133
Bank of Lebanon	Lebanon	100,000	1,500	2,800	168,446 43	500	15,331 30	1,535	15,831 03	34,874 09	59,745
Belknap County	Laconia	80,000	None	None	130,220 46	310	4,671 04	2,539 95	13,531 55	33,978 55	70,554
Cocheco	Dover	100,000	1,400	4,244 51	170,019 08	231 71	2,559 63	2,169	36,684 70	11,320 03	41,272
City	Manchester	150,000	1,150	4,366 82	210,383 95	850	1,694 61	1,900	19,330 81	27,073 06	74,221
Claremont	Claremont	100,000	3,700	None	180,697 32	355	4,270 85	1,168	22,876 40	9,191 28	64,000
Citizens	Sanborn	50,000	500	None	94,673 71	300	2,373 02	1,695 50	10,501 87	14,914 10	47,562
Connecticut River	Charlestown	100,000	None	None	161,888 00	3,050	4,100	400	6,316 18	22,840	59,316
Cheshire	Keene	100,000	None	4,000	172,438 20	1,150	4,229 50	5,025	21,014 22	14,139 39	69,081
Cheshire County	Keene	100,000	None	3,200	170,570 41	1,150	5,912 25	17,916 32	19,918 20	10,500 33	67,616
Carroll County	Sandwich	50,000	None	500	75,250 09	2,542 27	3,133 18	2,839	73	6,442 03	35,258
Derry	Derry	50,000	500	1,500	95,767 87	1,200	3,752 47	1,697	9,119 30	5,105 46	34,706
Dover	Dover	100,000	400	6,000	181,343 41	800	2,770 30	2,814	18,038 47	16,316 60	76,429
Farmington	Farmington	75,000	1,500	6,385 82	112,250 37	790	1,929 30	561	11,267 23	11,690 47	38,188
Frankstown	Frankstown	60,000	None	None	111,364 99	None	2,565 50	3,609	10,075 55	18,398 28	55,506
Farmers' and Mechanics'	Rochester	60,000	200	None	100,430 81	1,770	2,950 15	606	1,874 71	11,272 88	44,333
Granite State	Exeter	100,000	665	4,000	165,854 67	1,142 04	6,319 67	3,970	32,876 69	39,673 64	78,057
Great Falls	Somersworth	150,000	4,512 25	2,429 74	214,019 52	1,000	3,909 93	1,424	13,368 77	11,895 23	62,840
Indian Herd	Nashua	150,000	None	1,050	255,570 62	None	7,413 43	3,478	29,491 74	28,204 06	97,338
Lake	Wolfeborough	75,000	500	1,950	136,270 47	1,105 77	2,764 19	55	7,931 12	7,494 96	59,250
Langdon	Dover	100,000	None	4,304 98	182,634 90	1,386 30	3,877 24	2,874 74	23,336 64	14,542 84	72,776
Mechanics'	Concord	100,000	None	2,465	221,072 45	None	10,364 34	6,151	57,096 66	31,654 38	97,233
Merrimack County	Concord	80,000	None	2,465	155,351 94	None	12,813 41	7,812 37	54,097 30	44,860 04	66,630
Manchester	Manchester	125,000	None	None	228,798 64	3,500	4,058 76	4,517	74,833 43	71,672 57	100,907
Mechanics' and Traders'	Portsmouth	141,000	None	None	292,306 79	None	8,703 07	2,566 53	96,087 49	19,842 13	61,003
Monadnock	Jaffrey	50,000	None	None	82,720 87	212 50	3,247 14	4,918	34,288 50	23,106 40	44,591
Merrimack River	Nashua	150,000	4,325	3,173 37	225,004 67	None	13,405 95	427	26,202 31	13,626 73	100,918
Nashua	Nashua	125,000	None	1,900	253,304 27	None	4,974 35	759 19	10,623 69	36,788 81	63,378
New Ipswich	New Ipswich	100,000	700	1,900	134,973 43	3,203	3,240 53	316	49,079 50	18,381 93	59,258
New Market	New Market	60,000	None	None	153,713 43	1,203	7,764 31	2,034 16	66,799 31	30,732 92	51,310
Piscataqua Exchange	Portsmouth	200,000	None	400	282,200 05	7,322	7,764 31	2,311 34	9,195 21	4,940 21	30,386
Pawtucketway	Epping	50,000	600	None	83,500 14	1,951 66	2,686 59	2,900	5,929 15	12,237 65	43,833
Pittsfield	Pittsfield	50,000	None	2,835 55	89,938 24	750	2,866 35	2,807 80	21,316 22	24,742 22	56,509
Petersborough	Petersborough	50,000	None	None	152,408 18	200	2,866 97	4,069	11,002 47	4,136 00	44,110
Pennichuck	Nashua	50,000	1,375	500	101,180 06	534 59	1,538 24	222	5,430 93	5,575 35	47,538
Pine River	Ossipee	80,000	None	1,200	118,674 38	None	3,089 12	7,463	47,133 35	18,270 98	77,184
Rochester	Rochester	50,000	None	5,000	330,144 17	1,750	7,693 90	945 30	25,959 67	28,133 39	99,601
Rockingham	Portsmouth	200,000	1,050	None	243,862	1,750	9,281 30	4,570 92	25,959 67	28,133 39	99,601
State Capital	Concord	150,000	1,500	None	243,862	1,750	9,281 30	4,570 92	25,959 67	28,133 39	99,601
Salmon Falls	Rollinsford	50,000	None	2,594 11	75,011 67	152	1,849 97	925	9,909 11	11,935 56	26,988
Stratford	Dover	120,000	2,550	4,500	217,044 98	1,404 87	3,680 89	4,899 75	48,654 03	38,316 39	73,166
Sugar River	Newport	50,000	None	None	94,680 66	None	4,042 95	500	1,837 23	3,301 84	45,000
Southern	Milford	100,000	580	1,276 08	144,504 17	1,895 42	3,350 88	3,461 23	6,761 45	18,818 98	62,910
Somersworth	Somersworth	100,000	3,025	None	146,070 52	1,216 30	2,590 88	1,511 50	9,785 49	7,019 11	49,973
Union	Concord	100,000	4,950	None	203,768 62	1,566	11,598 68	15,214	63,552 92	22,885 02	79,773
Warner	Warner	50,000	None	None	99,101 79	200	2,855 74	5,969 06	10,953 52	3,256 15	43,950
Ware	Hampton Falls	50,000	1,933 81	None	67,730 92	7400	1,991 94	254	2,290 13	7,407 23	23,521
Winchester	Winchester	100,000	None	3,300	144,891 66	4,777 39	4,718 44	5,651 91	2,785 76	5,154 37	57,117
White Mountain	Lancaster	50,000	None	1,000	77,020 08	1,720 50	5,500 40	6,500 20	3,110 50	5,300 80	41,080

\$4,941,000 \$57,585 \$8,888,330,918 68,665,081 61,825,496 35,156,366 97,81,211,551 88,894,199 47,83,117 44

## CHAPTER CXXVII.

*BANKING AND CURRENCY IN NEW HAMPSHIRE—Continued.*

## STATE BANKING LAWS.



WHEN the New Hampshire Bank commenced business, the statutes of New Hampshire contained no provisions in relation to banking. These were to be enacted as future experience should suggest, so that here, as elsewhere, the general banking law of the state has been of gradual growth, and since 1842, has consisted of successive codifications of the enactments in force, varied from time to time by such additions and changes as the legislature may have made between whiles.

**UNINCORPORATED BANKS FORBIDDEN.**—The revival of business which followed the establishment of the general government, gave rise to an increased demand for the use of money beyond what was met by the one existing bank, and made private banking profitable. To this the financial policy of the state was opposed, and on the 27th day of December, 1799, a bill of the legislature was approved by the governor, entitled, "An act to restrain unincorporated banking associations."

This act rendered unlawful "every company or association of persons formed or to be formed for the purpose of establishing a bank or fund for receiving deposits, issuing notes or bank bills, making discounts or loaning money or bank bills and transacting the business which incorporated banks may or do transact by virtue of an act or acts of incorporation." It further provided "that if any person not authorized as aforesaid shall subscribe to, or become a proprietor, partner or stockholder in any fund or bank, or become a member of such institution, company or association, he shall forfeit and pay for every such offence a sum not exceeding one thousand dollars, nor less than four hundred dollars, to be received by any person who will sue for the same, in an action, one-half thereof to his own use and the other to the use of the state."

This act further provided, "That if any person shall be concerned or interested in behalf of any such unincorporated company, association or bank institution, in the issuing of any notes or bank bills, receiving any deposits, discounting any notes, loaning any money, bank-notes or bills, or signing such notes or bills as president or cashier, or in any other way aiding or assisting in carrying on the business of such unincorporated bank, such person shall for every such offence forfeit and pay the sum of one hundred dollars, to be received and disposed of in manner aforesaid."

**LIABILITY OF MEMBERS OF UNINCORPORATED BANKS.**—And it also provided, "That every person who shall hold any bank-note or bill issued or paid out by such unincorporated association, bank or company, their agents, officers or servants, shall be entitled to demand and recover the full sum expressed in such bank-note or bill of such company, association or bank, the president, cashier, or any member or stockholder thereof at his election."

This law further provided that notes given to such an association should be void, and that any person holding a note issued thereby should be entitled to demand

and recover the same of "such association or bank, the president, cashier, or any member or stockholder thereof at his election."\*

**BILLS OF FOREIGN BANKS OF LESS DENOMINATIONS THAN \$5.**—Inasmuch as the profits of banking, over and above the legal interest on the capital employed therein, came from circulation, it was soon found to be for the interest of the New Hampshire banks, so far as possible, to restrict the currency of the state to their own bills and to specie. A law was accordingly enacted in June, 1802, to take effect on the first day of the following December, which forbade any person "to pay, or receive in discharge of any contract or bargain, or for any valuable consideration whatever," any bill issued by any bank other than the Bank of the United States, or of a bank in this state, of a less denomination than \$5. This law, after being in force about three years was repealed, on the 24th of December, 1805.

**BANK BILLS TO BE MADE PAYABLE AT PLACE OF ISSUE, AND WITHOUT CONDITIONS.**—To secure the immediate redemption of bank bills, it was made unlawful in 1803 for any bank to issue a note "promising payment subject to any condition whatever, or payable at any other place than at the place from which it issued," under a penalty of \$500.

**BILLS TO BE PAYABLE IN SPECIE.**—Four years later it was further provided that bank bills should be made payable to bearer on demand in specie.

**TAXATION OF BANK STOCK.**—By an act passed the same year bank shares were made taxable annually at one per cent., which rate was reduced five years afterwards (1808) to three-fourths of one per cent.

**SEMI-ANNUAL RETURNS TO THE GOVERNOR AND COUNCIL.**—In 1814 a law was enacted requiring every bank in the state to make to the governor and council a semi-annual return, signed by a majority of its directors and its cashier, specifying "the amount of capital stock actually paid in, the value of real estate belonging to the incorporation, the amount of debts due, whether on interest or not, the amount of specie in the vaults, the amount of bills of other banks on hand, the amount of deposits, and the amount of bills in circulation." Any bank neglecting to make such return incurred a penalty of \$1,000.

\* Under this statute an important action of *Debt, qui tam* was entered at the Court of Common Pleas for Rockingham County, on the second Tuesday of January, 1808, by Nehemiah Jones, plaintiff, *vs.* Timothy Walker, defendant.

The case arose in this wise. By an act of the Legislature, approved June 18, 1806, Timothy Walker and fifteen others and their associates were made a corporation, under the name of "*The President, Directors and Company of the Concord Bank.*"

At a meeting of the corporators, subsequently held for organization, difficulties arose which proved insuperable, and, as a result, two banks bearing the same name were organized under this charter, which clearly contemplated but one, and commenced business in the town of Concord. Owing to their several locations on the same street, they were popularly designated as the upper and lower banks, and sometimes, from the names of their presidents, as the Walker and Kent banks.

The action above mentioned was commenced against Timothy Walker personally, for the violation of this statute of 1799. At the next term of the Court, through his attorneys, William K. Atkinson and William Plumer, the defendant was allowed by the Court to plead double, and entered his pleadings in abatement to no less than one hundred and three counts in the plaintiff's declaration. These cover eight hundred and thirty-eight closely-printed pages, and are preserved in the library of the New Hampshire Historical Society.

Without further pursuance of the case through the Court, it will suffice to say that both banks continued the prosecution of a successful business for a period of twenty years, at the expiration of which, the charter under which they claimed to act expired by limitation.



RETURNS OF STOCK TO ASSESSORS.—Two years and a half later, to facilitate the making of inventories of personal property subject to taxation, a law was enacted requiring the cashiers of banks to furnish to the selectmen and assessors of towns “an account in writing of all the shares in such banks, and their amount in value owned by any inhabitant or resident of the town of which the persons so applying shall be selectmen or assessors.”

FRACTIONAL BILLS.—By another act, passed at the same session of the legislature as the above, the circulation of bills of less denominations than \$1, issued by banks without the state, was forbidden; and two years later (January 1, 1819), the provisions of this law were made applicable to similar issues by banks in this state. At its June session in 1821, the legislature enacted two important laws in relation to banking.

MISAPPROPRIATION OF BANK PROPERTY BY BANK OFFICERS.—By the provisions of the first, any bank officer unlawfully converting to his own use any property of the bank with which he is connected, or unlawfully conveying any of its property to a party not entitled to receive the same, was made subject to a fine not exceeding \$2,000, or to imprisonment not exceeding two years.

LITERARY FUND.—The second act provided for the establishment of a literary fund, to be under the control of three state officers, consisting of the governor, secretary and treasurer, “for the sole use and purpose of endowing and supporting a college for instruction in the higher branches of science and literature, and to be appropriated to this purpose in the manner the legislature of this state shall hereafter order and appoint: Provided said fund shall never be applied to the benefit of any institution which is not under the control and direction of the state.”

This last provision was evidently intended to prevent the appropriation of any part of this fund to Dartmouth College, in its controversy with which the state had been worsted two years before in the Supreme Court of the United States, and to which institution a majority of the legislature were not at this time partial.

This fund was to be derived from the receipts of the state treasurer for services rendered to the several banks of the state by stamping their bills, the charge for which was fixed at \$50 for every \$1,000 stamped; commutable, at the pleasure of any bank, to a tax of one-half of one per cent. on its capital stock.

REDUCTION OF TAX ON BANK STOCK.—The next year the legislature reduced the tax of three-fourths of one per cent. payable by holders of bank stock to one-half of one per cent., in consideration, perhaps, of the stamping tax of the year previous.

In 1833 the bank stock of all holders residing without the state was made assessible from time to time to the corporation by the town in which the bank was located.

RETURNS OF BILLS TO THE LEGISLATURE.—Two years and a half later (June, 1836), a law was enacted, requiring each bank to make annual returns to the legislature of all its bills in circulation as money, and the amounts of those of the denominations of one, two, three and five dollars.

During the first half of the third decade of the present century, there had been extensive overtrading in the country, excessive importations of foreign goods, and reckless speculations in wild lands, particularly in those of the South and West. During the years of 1835 and 1836, fifty millions of dollars worth had been sold by the general government alone; an amount nearly equal to that received for all the lands it had sold up to that time since its organization. A portion of these lands had been purchased with the bills of banks organized in the interest of speculators.

President Jackson issued an order that all future purchases should be paid for in specie. The effect of this was their sudden suspension. He had previously, in 1832, vetoed the bill for re-chartering the United States Bank, which act terminated the career of that institution in 1836. These, together with other causes acting in conjunction, brought on the panic of 1837—the severest and most extensive this country had before experienced, which suddenly destroyed business confidence and brought the operations of trade to a standstill. Financial embarrassments, often as complicated as they were severe, ensued; resulting in serious loss or ruin to thousands in all parts of the land.

This panic was felt in New Hampshire as well as elsewhere, some of whose people were loaded with large holdings of wild lands in Maine, for which they were in debt and could not sell. To these, and to others embarrassed in other ways, the banks had loaned large sums, and upon their failure to meet their maturing obligations, the banks themselves found themselves embarrassed, when called upon to redeem their circulating bills, and, with a single exception, suspended specie payments. This caused great distrust as to the value of the paper currency, and in some cases more or less loss to bill-holders. Most of the banks in the state had been honestly managed. Concerning three, however, unfavorable rumors were circulated and authoritative examinations, appended to the Senate and House journals of 1838, show clearly a system of banking of which New Hampshire had no great reason to be proud.

REVISION OF THE BANKING LAWS.—The time had evidently now arrived when the scattered laws relating to banking needed revision and perfecting. So, certainly, thought Governor Hill, who devoted a very large portion of his message to the Legislature of 1837, to the condition and management of the banks. In it he remarked:

“The reaction, which had been anticipated from the unprecedented expansion of credit and trade, and especially from the wild and unbridled spirit of speculation which had more particularly discovered itself in the history of the two last years, has come upon us like a thunder clap in a cloudless sky; it already pervades our most flourishing commercial and manufacturing towns and villages, and will not probably much abate until it shall be more or less felt through all classes of the community. When men of limited means extend their credit to ten times the amount of their capital, when many divert both capital and credit towards objects of speculation beyond the line of their own proper business, and this is done so extensively as to pervade almost every trading community, a state of things similar to that before our eyes may be calculated on as a moral certainty.

“Extended banking is both the cause and the consequence of the spirit of overtrading and wild speculation which have pervaded the country.

“What the general suspension of specie payments by the banks will effect, must be left for time to determine. For the moment, it is a popular measure with the greatest portion of trading business men, perhaps because much the larger part of that class are so involved in the meshes of the credit system that no other expedient can afford them relief. The banks, so far from extending credit, must contract their loans if they would place themselves in a position to redeem their bills. That policy of the national administration which has introduced specie into the country, increasing its amount within the last four years from less than thirty to more than seventy millions of dollars, will undoubtedly go far towards preventing the general destruction which the crash of paper credit might have produced. But smarting under the evil which besets us on every side, the people may soon be convinced that paper promises to pay, which may be evaded with impunity, ought never to be accounted as standing in the place of substantial capital.

“For the public safety in the present crisis, I recommend the appointment of a board of commissioners, with plenary powers, whose duty it shall be to enter upon the immediate exam-

ination of the banks of this state and to report the present amount of their paper issues, their available means, and whether, since the suspension of specie payments, their loans and circulation have or have not been extended. And in the event of refusal on the part of the directors of banks to grant the facilities necessary for such explanation, or in case it shall be found that any bank has extended its issues in any given amount since the bank has refused specie payments, it might be made the duty of the commissioners to issue any injunction upon further proceedings of the bank and appoint assignees to close its concerns."

**BANK COMMISSIONERS.**—In accordance with the suggestions of the Governor, the legislature passed a very important bill which he approved July 5, 1837. This provided for the establishment of a permanent board of bank commissioners, to be appointed by the Governor and Council, defined their powers and contained such other provisions as the exigencies of the time seemed to demand.

**REVISION OF BANKING LAWS IN 1842.**—Five years afterwards, the public statutes were revised and all existing laws in relation to banking were digested into a systematic code. As this embodied most of the important legislation in relation to New Hampshire banks during the fifty years following the chartering of the first bank in the state, attention is here called to some of the main features of it.

**UNCHARTERED BANKS MADE UNLAWFUL.**—It rendered unlawful all unchartered banks, and liable to a penalty, of not less than four hundred dollars nor more than one thousand, any person who became a member of such an institution, and of one hundred dollars any person concerned in signing, issuing or loaning the circulating notes of such an institution or in any way aiding in carrying on its business. All notes and securities given to it for money or bills loaned or for discounts were made null and void; as well as all bills, notes, checks, drafts or obligations whatsoever, payable to bearer or order, issued to be used as currency, and any person issuing such became liable to a fine of twenty dollars.

**BANK NOTES TO BE MADE PAYABLE WITHOUT CONDITIONS.**—Incorporated banks were forbidden to put in circulation any bank bill, note or obligation, the payment of which is subject to any condition whatever, or payable at any other place than the bank from which it issued, or which shall not be made payable in specie on demand, and all persons knowingly passing such a bill or obligation, became liable, for each offence, to a penalty of one hundred dollars.

**BANK NOTES TO BE PAYABLE IN SPECIE.**—If any bank refused to pay in specie any note or obligation it may have issued, the holder thereof might "sue for and recover the amount thereof, with interest thereon at the rate of two per centum for each month, to be computed from the time of such demand, and also treble costs of suit."

**DENOMINATIONS OF BANK BILLS.**—Any person passing or offering to pass a bank bill of a less denomination than one dollar to any party other than the bank issuing the same became liable to a fine of five dollars. All banks were forbidden to put in circulation any bill of "a less denomination than one dollar, or of any denomination between one and two, two and three, three and five, five and ten, or ten and twenty dollars." A violation of this provision by any bank subjected it to a fine of five hundred dollars, to be recovered by indictment, and liability to a forfeiture of its charter. The circulation in New Hampshire of similar bills issued by banks in other states was also prohibited, and banks were made liable to pay the original amounts due on any bills whose denominations had been altered after their issue.

**CIRCULATION.**—The circulation of every bank was restricted to an amount equal to four-fifths of its capital stock. Any bank exceeding this limit or paying dividends during its suspension of specie payments forfeited its charter, and any



officer consenting to such violation, was made subject to confinement and hard labor for a period not exceeding five years. Whenever a bank suspended specie payments, any person indebted thereto might suspend the payments of his debt unless such bank would receive in payment its own or other current bills.

QUARTERLY RETURNS.—It was made the duty of the cashier of every bank to make, and file with the secretary of state, within ten days thereafter, a sworn statement of the condition of his bank, on the first Monday of March, June, September, and December, of each year, specifying, in separate columns, the amount of capital stock actually paid in; the amount of debts due the bank secured by a pledge of its stock; the value of real estate belonging to the bank; the amount of all debts due the bank; the amount of debts due from the directors, either as principals or sureties, specifying whether on interest or otherwise; the amount of specie in the vaults; the amount of bills of other banks on hand; the amount of deposits in the bank; the amount of deposits in other banks for the redemption of its bills, and the amount of its circulation. Failure to do this subjected the bank, for every such offence, to a fine of \$1,000.

BANK COMMISSIONERS.—This code also provided that the governor, with the advice of the council, should "appoint three suitable persons, residing within this state, no one of whom shall be an owner of stock in or indebted to any bank in this state, as bank commissioners." It was made the duty of some one of them, "once, at least, in each year, without previous notice to the bank, and as much oftener as the governor may require, to make, personally, a full examination into the condition of each bank and the management of its affairs; to inspect all books, papers, notes, bonds, and other evidences of debt of said banks; to ascertain the quantity of specie on hand, and generally to make all such inquiries as may be necessary to ascertain the actual condition of said bank, its ability to fulfill its engagements, and whether it has violated any provision of its charter, or any law relative to banks or banking, and to report the condition of each bank to the governor as soon as may be after such examination."

COMPENSATION OF COMMISSIONERS.—As a compensation for his services, each commissioner was allowed two dollars per day and ten cents a mile each way when making such examinations. He was also empowered to "examine under oath all the officers, agents and servants of any bank, or any other person, in relation to the affairs and condition of such bank and may administer said oath personally."

ANNUAL REPORTS.—It was also made the duty of the commissioners to "make report of their proceedings and of the condition of said banks to the legislature annually."

SUSPENSION OF SPECIE PAYMENTS AND FORFEITURE OF CHARTER.—The act further provided that, "if any bank shall suspend specie payments, such bank shall thereby forfeit its charter, and the governor shall direct two or more of said commissioners to make an immediate examination into the condition of said bank. . . . And said commissioners shall make a full report thereof, and cause the same to be published in all the newspapers authorized to publish the laws of this state."

If, after such examination, the commissioners were of the opinion it would be unsafe for the public interest that such bank should continue to issue its notes, or if such bank should refuse to submit to such examination, it was made their duty to apply to one of the justices of the Superior Court who shall forthwith issue an injunction prohibiting such bank from transacting further business until a full hearing had been had before said justice. After a full hearing, the said justice was authorized to dissolve, modify or make perpetual such injunction and to make such

further orders as he might deem necessary according to the course of proceedings in equity. If dissatisfied, the bank could apply to the Superior Court for a further hearing.

If at any time the commissioners deemed it necessary to protect the public against the proceedings of any bank, they were authorized to cause the attorney-general to file an information against it for the purpose of vacating its charter at the next term of the Court of Common Pleas to be holden in the county in which such bank was located; and the court was authorized to order said bank to appear and show cause why its charter should not be forfeited.

The law also provided that whenever the commissioners should deem it unsafe for the public that any bank should be intrusted with its affairs, or if its charter should have been adjudged forfeited, they might apply to the Supreme Court of Judicature for the appointment of an assignee who should give bonds and administer the property and affairs of the bank under the provisions of the law and the instructions of the court.

All the assets of such bank were to be holden in trust, first, to pay all the expenses of the assignment; secondly, for the payment of all the bills issued by the bank, *pro rata*; thirdly, for the payment of all other debts of the bank; and the remainder to be divided among the stockholders, in proportion to their several holdings of its capital stock. Severe penalties were provided against false returns or improper appropriations by any of the officers or servants of such bank.

REPRESENTATION OF SHARES AND INDEBTEDNESS OF STOCKHOLDERS.—No person was allowed to vote on any shares at a bank meeting without declaring under oath that he was the *bona fide* owner of such shares, if required so to do by any stockholder present. No cashier was allowed to be indebted directly or indirectly to the bank of which he was cashier except upon his official bond.

INDEBTEDNESS OF DIRECTORS.—Every director of a bank was forbidden to become indebted to that bank to an amount exceeding three per cent. of its capital stock actually paid in in money, or more than one-half of his stock in such bank, exclusive of shares upon which such bank has any lien or claim, or for which the bank holds the director's stock-note. Every promise or undertaking made by any director or officer of any bank to indemnify any person for any liability to such bank was by this law rendered void.

In June, 1842, the legislature passed an act suspending for a limited time the operation of "an act prohibiting the emission and circulation of bank bills of a small denomination," passed June 13, 1837, with this provision: "That if any banking company in this state shall neglect or refuse to redeem, in specie, any bill or note made and issued by such banking company, of any denomination less than five dollars, when duly demanded at its banking house, then, and in such case, all and each of the provisions and parts of the acts hereby suspended, shall be in full force and effect as to such banking company so refusing or neglecting to redeem their bills or notes as aforesaid as if this act had not been passed."

At the December session of the same year, the legislature passed a joint resolution, "That the circulation of bank bills, as money, of a less denomination than five dollars is a practical evil of such a character as calls for a remedy by legislative enactments," and "that the best interests of the people require that this great and important change in the circulating mediums should be accomplished with as little delay as possible." The legislature also declared that the co-operation of other New England states should be sought in aid of this reform, and that the governor be requested to forward copies of this resolution to the several governors.

DISCONTINUANCE OF BUSINESS.—In 1843 the legislature enacted a law to the effect that, upon closing up its business, any bank may divide its property among its stockholders in proportion to their several shares, but shall keep on hand for four years an amount of its capital stock equal to twice the amount of its outstanding liabilities. Also, that—

LIABILITY OF STOCKHOLDERS.—Whenever a banking corporation divides any portion of its capital stock, the stockholders shall be individually responsible for all liabilities while they were members of the corporation; and that, in case of the refusal of any bank to pay in specie any bill or other liability incurred by it, the stockholders shall be personally liable, and that any stockholder so paying shall have contribution from the other members of the corporation.

In 1844 the Secretary of State was directed to publish extracts of the quarterly returns of the several banks.

RETURNS TO TOWN ASSESSORS.—The next year the cashier of every bank was required to make annual returns to the assessors in the several towns in which stockholders of the bank of which he was the cashier resides of the amount of stock owned by each.

LIMITATION OF UNUSED CHARTERS.—By an act approved July 2, 1845, it was provided that "All acts of incorporation heretofore granted to banks be so amended that they shall become null and void, unless the banks so incorporated shall have organized and commenced business on or before the first day of June, A.D. 1846."

RETURNS TO TOWN ASSESSORS.—By another, *approved the same day*, it was made the duty of the cashier of each bank to mail, on or before the third day of April of each year, a written return to the assessors of the towns in which any of its stockholders reside, of their names, the number of shares owned by each on the first day of April, and the par value of such shares.

By an act approved July 2, 1846, it was provided that, in issuing certificates of stock, any number of shares might be inserted in one certificate.

RESTRICTION OF CAPITAL STOCK.—By a second, approved July 10, 1846, the capital of all banking corporations was restricted to the amount of capital actually paid in cash, and no notes of stockholders could be deemed to constitute any part of such capital, and the circulation of bank bills by any bank was also restricted to the amount of its capital actually paid in. It was also enacted that every bank to which the provisions of this act might apply, should within sixty days accept the same as a part of its charter.

TAXATION OF SURPLUS CAPITAL.—By an act approved July 7, 1849, the surplus capital of banks was made taxable in the towns in which they were located.

In 1851, the capital of the banks in the state was limited to the amount actually paid in the last day of October of that year.

BANK OF MUTUAL REDEMPTION.—There seems to have been no further general legislation in relation to banks until 1855, when by an act approved July 14, any bank was authorized to subscribe for and hold stock not exceeding in amount five per cent. of its capital in the Bank of Mutual Redemption of Boston, when authorized so to do by the unanimous vote of its directors.

NO BANK TO BEGIN BUSINESS UNTIL ALL ITS CAPITAL WAS PAID IN, IN CASH.—Two years later, June 27, 1857, an act was passed which provided that no bank should go into operation until the bank commissioners had filed in the office of the secretary of state and published in one or more newspapers a certificate that "all its capital stock had been paid in, in cash."

INDIVIDUAL LIABILITY.—And by another act *approved the same day*, it was pro-



vided, "That all legal proceedings hereafter commenced against any individual stockholder in any corporation in this state for the collection of a debt against said corporation shall be by a bill in chancery, and not otherwise."

**LIMITATION OF LOANS.**—By an act approved June 5, 1858, every bank was forbidden to make loans to any one party to a greater amount than one-fourth of its capital stock, unless authorized to do so by a vote of three-fourths of its stockholders present and voting at a meeting called for that purpose.

**BANKS MAY CLOSE THEIR BUSINESS.**—Also that any bank, upon due notice of its intention so to do, may close its business and divide its assets among its stockholders, keeping on hand for four years so much of its capital stock as shall equal twice the amount of its liabilities.

**WORTHLESS BILLS.**—To prevent the circulation of altered and worthless bills it was provided by law that any bank which might have received "a counterfeit or uncurrent and worthless bank bill, or a bank bill which has been altered from its original denomination, or a paper not a bank bill, but made in similitude thereof, or paper purporting to be the bill of a bank which never existed, shall write or stamp upon all counterfeit bills the word 'counterfeit,' upon all such altered bills the word 'altered,' and upon all such other bills and papers the word 'worthless.'"

By an act approved July 2, 1862, banks were allowed "to redeem their bills in current bank notes of other banks or in United States demand, legal tender notes, until August 1, 1863. The next year, soon after the enactment of the National Banking Act, most of the New Hampshire banks decided to accept its provisions and continue their business under the same. To aid them in this change, a law was enacted in 1866, giving permission to all state banks about to become national banks, to close their business and divide their assets among their stockholders upon giving to the state a bond of double the amount of their liabilities, conditioned upon the payment of the same.

The history of the state discount banks in New Hampshire embraces a period of about seventy years. By the close of the tenth decade of this century, all but three\* of the state banks had been converted to national banks or had ceased to exist. They were no longer profitable.

The time has hardly come to record the history of the present national banks of New Hampshire, which have succeeded the older institutions chartered by the state. The following table presents the names, localities, leading officers and capital stock of each of them, taken from the Comptroller's Report of 1896:

\* One of these has continued in business to this time (1897).

## NEW HAMPSHIRE NATIONAL BANKS, 1896.

BANKS.	LOCATIONS.	PRESIDENTS.	CASHIERS.	CAPITALS.
Berlin National Bank . . . . .	Berlin . . . .	Alfred R. Evans .	A. H. Eastman .	\$ 75,000
Connecticut River National Bank . . . . .	Charlestown .	Geo. S. Bond . . .	H. W. Bond . . .	50,000
Claremont National Bank . . . . .	Claremont . .	Jno. N. Farwell . .	J. L. Farwell . . .	150,000
Peoples National Bank . . . . .	Claremont . .	F. P. Maynard . . .	Geo. A. Tanney . .	100,000
Colebrook National Bank . . . . .	Colebrook . .	Geo. Van Dyke . . .	H. F. Bailey . . .	75,000
First National Bank . . . . .	Concord . . .	W. F. Thayer . . .	C. G. Remick . . .	150,000
Mechanics National Bank . . . . .	Concord . . .	B. A. Kimball . . .	H. H. Dudley . . .	150,000
National State Capital Bank . . . . .	Concord . . .	L. Downing, Jr. . .	J. E. Fernald . . .	200,000
Derry National Bank . . . . .	Derry . . . .	J. W. Noyes . . . .	F. J. Shepard . . .	60,000
Cocheco National Bank . . . . .	Dover . . . .	J. E. Lothrop . . .	H. Haley . . . . .	150,000
Strafford National Bank . . . . .	Doon . . . . .	W. S. Stevens . . .	C. S. Cortland . .	200,000
Monadnock National Bank . . . . .	East Jaffray .	Peter Upton . . . .	C. L. Rich . . . . .	100,000
Farmington National Bank . . . . .	Farmington .	J. H. Barker . . . .	J. D. Edgerly . . .	100,000
Franklin National Bank . . . . .	Franklin . . .	A. W. Sulloway . . .	F. Proctor . . . . .	100,000
Dartmouth National Bank . . . . .	Hanover . . .	N. S. Huntington .	P. D. Bugbee . . .	50,000
First National Bank . . . . .	Hillsboro . .	J. F. Briggs . . . .	C. C. White . . . .	50,000
Ashuelot National Bank . . . . .	Keene . . . .	G. A. Wheelock . . .	J. E. Wright . . . .	150,000
Cheshire National Bank . . . . .	Keene . . . .	W. H. Elliott . . .	R. H. Porter . . . .	200,000
Citizens National Bank . . . . .	Keene . . . .	O. G. Dort . . . . .	A. L. Wright . . . .	100,000
Keene National Bank . . . . .	Keene . . . .	E. Joslin . . . . .	W. S. Mason . . . .	100,000
Laconia National Bank . . . . .	Laconia . . .	C. A. Busiel . . . .	O. W. Tibbets . . .	150,000
Peoples National Bank . . . . .	Laconia . . .	A. G. Folsom . . . .	E. Little . . . . .	50,000
National Bank . . . . .	Lakeport . .	H. G. Odell . . . .	W. L. Woodworth .	50,000
Lancaster National Bank . . . . .	Lancaster . .	G. R. Eaton . . . .	F. D. Hutchins . .	125,000
National Bank . . . . .	Lebanon . . .	C. M. Hildreth . . .	C. R. Cooper . . . .	100,000
Littleton National Bank . . . . .	Littleton . .	O. E. Hatch . . . .	H. K. Hallett . . .	150,000
First National Bank . . . . .	Manchester . .	F. Smyth . . . . .	A. H. Hale . . . . .	150,000
Second National Bank . . . . .	Manchester .	A. Blood . . . . .	J. Carpenter . . . .	100,000
Amoskeag National Bank . . . . .	Manchester .	G. B. Chandler . . .	J. M. Chandler . .	200,000
Manchester National Bank . . . . .	Manchester .	W. M. Parker . . . .	W. B. Stearns . . .	150,000
Merchants National Bank . . . . .	Manchester .	N. P. Hunt . . . . .	A. M. Heard . . . .	150,000
Souhegan National Bank . . . . .	Milford . . .	J. McLane . . . . .	F. T. Sawyer . . . .	100,000
First National Bank . . . . .	Nashua . . .	G. A. Ramsdell . . .	W. E. Spalding . .	100,000
Second National Bank . . . . .	Nashua . . .	F. W. Estabrook . .	F. A. Eaton . . . .	150,000
Indian Head National Bank . . . . .	Nashua . . .	D. A. Gregg . . . .	J. F. Harris . . . .	120,000
New Market National Bank . . . . .	New Market .	J. N. Cilley . . . .	A. C. Haines . . . .	80,000
First National Bank . . . . .	Newport . . .	D. Richards . . . .	S. D. Lewis . . . .	100,000
Citizens National Bank . . . . .	Newport . . .	C. M. Emerson . . .	P. A. Johnson . . .	50,000
First National Bank . . . . .	Peterboro . .	W. G. Livingston . .	F. G. Livingston . .	100,000
Pittsfield National Bank . . . . .	Pittsfield . .	C. H. Carpenter . .	J. A. Goss . . . . .	50,000
Pemigenasset National Bank . . . . .	Plymouth . .	G. H. Adams . . . .	R. E. Smythe . . . .	75,000
First National Bank . . . . .	Portsmouth .	E. P. Kimball . . . .	C. A. Haslett . . . .	200,000
National Mechanics and Traders Bank . . . . .	Portsmouth .	J. Sise . . . . .	C. F. Shillaber . .	200,000
New Hampshire National Bank . . . . .	Portsmouth .	C. Page . . . . .	W. C. Walton . . . .	100,000
Rockingham National Bank . . . . .	Portsmouth .	J. J. Pickering . . .	J. P. Hart . . . . .	200,000
Rochester National Bank . . . . .	Rochester . .	J. Farrington . . . .	H. A. Plumer . . . .	50,000
Crest Falls National Bank . . . . .	Somersworth .	A. A. Perkins . . . .	J. A. Stickney . . .	150,000
Somersworth National Bank . . . . .	Somersworth .	E. Hargraves . . . .	H. E. Gilpatrick . .	100,000
Citizens National Bank . . . . .	Tilton . . . .	W. T. Cass . . . . .	A. T. . . . .	70,000
Winchester National Bank . . . . .	Winchester .	E. C. Thayer . . . .	H. Abbot . . . . .	150,000
Aggregate Capital . . . . .				\$5,830,000

## CHAPTER CXXVIII.

*BANKING AND CURRENCY IN NEW HAMPSHIRE,—Continued.*

## MANAGEMENT AND USAGES OF NEW HAMPSHIRE'S STATE BANKS.

**T**HE bank notes, whose circulation was the chief source of profit, aside from the interest on their capitals, to the New Hampshire state banks, were simple printed promises to pay to some individual or bearer, on demand, a specified number of dollars, usually of either one, two, three, five, ten, twenty, fifty or one hundred. They were rarely of intermediate or of higher denominations than that last mentioned. They were numbered, dated and bore the name of the bank issuing them, and of its location, together with the signatures of its president and cashier.

They were also of three distinct styles, which mark the three succeeding periods of effort by the engravers to keep in advance of the counterfeiters. The earliest state bank bills were about six and a quarter inches long by two and three-quarters wide, and bore simply the words and figures just mentioned. The portions not thus covered were left blank. The bank-note engravers had not attained to great skill in their time, and as specimens of art they were of a low order.

The bills of the succeeding period were promises to pay in substantially the same language as that upon those of the first, but differed from them in the fact that the blank spaces upon their faces were covered with repetitions, in very small scrip letters, of the denomination of the particular bill, which made its imitation more difficult. Many of these were printed from general plates, known as the Perkins plates, and owned by a bank-note company in Boston. In these holes were made for the insertion of the name and location of any particular bank which might make use of them. Some banks, however, had plates of their own of this particular style. As a result, the bills of this period were as uniform in appearance as were those of the first.

But at the beginning of the fourth decade of this century, these had been frequently counterfeited, and bills of a higher artistic character were called for and produced. They differed but little in size or language from those last mentioned, but they bore upon their faces designs more difficult to counterfeit; such as well engraved portraits, views of buildings and scenery, as well as mythological figures in great variety, while the unoccupied spaces were filled in, more or less, with the fine letterings characteristic of the Perkins plates. This style prevailed up to the commencement of the National Bank period, when state bank bills rapidly disappeared and receded into history.

All these state bank bills were much inferior to those of the national banks, now in use; both in artistic excellence and in being printed upon one side only.

Owing, doubtless, to the scarcity of specie, in the early part of the century, some banks issued bills of smaller sizes and of denominations of less than one dollar. These, however, were not well received and were ere long withdrawn from circulation.

**BANK VAULTS.**—In provincial days, money and valuable papers were kept in iron chests of curious construction, but of limited dimensions. Some of these have



been preserved, and one may still be seen in the vault of the State Treasury, at Concord. It is interesting as a relic which has been rendered useless by the progress of mechanical skill.

Upon the establishment of banks, receptacles more capacious and fire-proof were sought and found in vaults of stone or brick. That of the Merrimack County Bank, built in 1826, was removed in 1895, revealing the construction of a fair specimen of many of these early bank safes.

It stood upon a solid foundation of stone resting upon the ground. Its sides were constructed of granite blocks, hammered on their beds, builds, ends and inner sides. Its ceiling and floor were made of long, close jointed stones, dressed on their inner surfaces and extending from side to side across the vault. Thus constructed, it was protected against fire by an outside covering of brick masonry. When finished, its walls and ceiling had a thickness of about two feet.

The interior of this vault was about seven feet square, and it had a height of about six and a half feet. It was divided into two apartments by a brick partition, the inner of which was for the use of the president and the outer for that of the cashier, the entrance to which was guarded by two heavy, wrought-iron doors, fastened by two ponderous locks, the heaviest of which weighs twenty-one pounds, and is locked and unlocked by a key of corresponding size, fitted to numerous inside wards.

These locks and doors proved sufficient for many years, but when, at length, the burglar had attained to one-half the skill which he now possesses, he might have picked them with a bent wire in a very few minutes, and smiled at the fancied security of the bank's officers. When this fact became apparent, additional securities were procured. Inside bars of steel were introduced, to be moved back and forth by secret appliances, devised by the cashier and an ingenious blacksmith. Subsequently, to keep in advance of burglarious skill, an iron box was introduced, constructed of plates, something like a quarter of an inch thick, whose door was fastened by an expensive lock of intricate workmanship.

When, ere long, it was learned by the bank's directors, that the safe-breaker was again in advance of them, this box was discarded and securities more formidable were procured.

Indeed, the history of bank vaults and safes, for the last seventy-five years, is largely that of contemporaneous efforts by safe-makers and burglars for precedence. And one of the strange facts brought to light, by a study of this peculiar trial, is that of the aid very generally afforded the cracksman by bank managers, who covered the windows of their banking-rooms, when not in use, by heavy wooden shutters, which screening him from exposure during his nefarious operations, enabled him to work with slight fear of interruption.

THE OLDEN-TIME BANK.—A strange mystery enveloped the olden-time bank and shrouded it with an awe as solemn as it was vague. By the great mass of the people its operations were but imperfectly understood. Few of them entered it frequently, some occasionally, most of them, never. Upon going within its portals one experienced a sensation akin to that felt in the presence of the great. The formal dress and manners of its officers, the silence of its clerks, the very air of its banking-room, the shining scales for weighing coin, upon its counter, partially veiled from sight in a thin glass case by a curtain of green silk, the ponderous iron doors and locks at the entrance to its mysterious vault, and the neatly painted sign suspended outside during certain hours, to indicate when the bank was transacting business and that admission was allowed, all combined to give the casual visitor a feeling that

in that dread place, he was in the presence of superiors. If he came as a borrower, he preferred his request with deference and humbly awaited an answer. He little realized that he was of as much importance to the bank as the bank was to him.

The rules of the old-time bank partook of its formality. Like the laws of the Medes and Persians, they were definite and unchangeable. Those of the New Hampshire Bank, at Portsmouth, as published in the *New Hampshire Register* for 1800 and succeeding years, must seem quaint to a business man in this age of hurry and enterprise. They read: "On Mondays all notes for discount must be presented; on Tuesdays moneys are paid out. The other days of the week (Sundays excepted), the Bank is open for the receipt of Bills, &c. All payments must be examined at the bank; suggestions of errors are afterwards disregarded."

That great institutions should have rigid rules for the conduct of their operations is reasonable, but the fact that a bank with a capital of only \$80,000 should have found it necessary to require all applications for loans to be made on Mondays, and the moneys discounted to be paid to the successful applicants on Tuesday only, indicates a quaint formality quite refreshing to one wearied with the rush of modern life.

That the succeeding four days should have been required for the acceptance of payments of loans made on only one, may have been due to the fact that borrowers were slower in paying than in receiving; and further, perhaps, that the last four days of the week must be employed in some way. It was fortunate that there came every seven days an "excepted Sunday," to relieve the taut tension of the preceding six.

It is to be regretted that the ubiquitous Copley, who painted the portraits of many of Portsmouth's worthies, neglected to give to this and future ages a faithful representation of the five directors of this old bank, sitting in solemn session around their council board at one of their Monday meetings. Later artists must paint the picture as best they can, remembering the while that the government of the United States was but three years old when this bank was chartered, and that many of the usages and traditions of the royal period still lingered at the old provincial capital.

It is a gratifying fact that the character of the New Hampshire state banks compares favorably with that of the contemporaneous banks in other states. If it be said that during the long period of their existence, embracing about seventy years, a few of them started in business and issued bills based upon inadequate capital, it is equally true that the number of such was small, and that their operations were generally as profitless to their stockholders as they were unsatisfactory to the public. The careers of some of them are detailed in the reports of the bank commissioners, to which access may be had by any one desirous of knowing more about them.

The managers of the New Hampshire state banks were almost always honest men, and the bills of their respective banks were promptly redeemed when presented for payment, except for two short seasons of general financial depression. Soon after the Suffolk Bank system of redemption was inaugurated, about 1825, like those of the other New England banks, their bills were promptly redeemed in Boston, as well as at their own counters. And it may also be said of them, that the prosecution of the business of the communities in which they were located was indebted to them for valuable aid.

USAGES OF STATE BANKS.—The state banks of New Hampshire yielded reasonable dividends to their stockholders, and when closed by the expirations of their charters, or for other reasons, they usually returned to their owners not only the par value of their shares, but a respectable addition thereto of previously undivided profits.

Compared with those of the national banks, their operations were limited and simple. Their business was mainly confined to the loaning of their money, and the circulation of their bills; such loans being preferred as promised a late return of these for redemption.

The notes taken of borrowers were common joint, and several promises to pay the amount loaned at the end of a specified period, with interest after, signed by the principal and his sureties. For this period the interest was received in advance. When due, a note was either paid or extended by agreement. To prevent the release of sureties in cases of extension, a clause was appended to the notes in words substantially like the following: "Giving said Bank the right of collecting this Note at any time, or of extending, from time to time, by reception of interest in advance, or otherwise, the payment of the whole, or any part thereof, as may be convenient or agreeable to the Bank, or either one of the parties hereto."

**DIRECTORS OF STATE BANKS.**—The olden-time bank director was a man of marked characteristics. He possessed integrity, property to a greater or less amount, business experience, and sound judgment. He was informed of, and in touch with the various industrial interests of his vicinity, and could draw safe conclusions from known facts. In the absence of these, following the dictates of his instincts, he seldom formed wrong deductions when he had little else to guide him.

Once a week, usually, all over the state, little coteries of men of that stamp held sessions in the directors' rooms of their banks, and discussed privately and freely the characters and responsibility of the applicants for the loans laid before them. As they considered these, character was often more influential in leading to a favorable decision of the case in hand than known wealth. Meeting thus, year after year, and receiving not infrequently confidential statements from parties desiring loans, they became the repository of business secrets, very much as the family physician becomes the possessor of those of the families which he visited. To their honor, be it said, that the violation of such confidences were extremely rare.

That the state banks were an important factor in the development of the general prosperity of New Hampshire during their continuance in business, is patent to every one acquainted with its history.





## CHAPTER CXXIX.

### THE SAVINGS BANKS OF NEW HAMPSHIRE.

BY JAMES O. LYFORD.

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THE first two savings banks of New Hampshire had a quiet legislative birth. Their coming created no apprehension, and they were piloted through the usual legislative stages with an ease and rapidity seldom accorded measures embodying new ideas and new economies. Their conception was the work of philanthropic gentlemen, who little dreamed of the harvest that was to come from the seed they were planting. The same spirit which caused their inception in other states early in the present century, created here a sentiment in their favor, and, although the first attempt to secure a charter for a savings bank failed to receive the approval of both branches of the legislature, it was but a few years before that body gave its sanction to the creation of these institutions. Why the first effort to secure a charter failed, does not appear from anything which is to be found in the legislative records or in the newspapers of the day. It may have been from mere conservatism and from a mere suspicion of the untried. It may have been from one of many causes which wreck legislative measures between two bodies which are intended to be a check upon each other. This failure created neither surprise nor interest. The legislature met annually, yet four years intervened before a second attempt was made to secure a charter, and during this time there was no public discussion of the subject.

In the meantime factories were multiplying in the older sections of the state, the young men and the young women were drifting to the manufacturing towns, employees were earning wages beyond their immediate necessities, the old stocking and the cupboard did not invite the surplus for a rainy day, the closing of mills and depression in business found many willing hands without employment and without means of relieving present distress, and it finally dawned upon the charitably-disposed that greater good and more lasting benefit can come from teaching habits of thrift than from the indiscriminate giving of alms. The first petitions to the legislature asking for savings bank charters, set out these facts and deplored the condition into which the people of the manufacturing centres were drifting.

In those days legislative enactment was largely prefaced by petition, and individuality counted for more than at present. The editorial columns of newspapers were given over largely to the discussion of political questions, and it was the individual efforts which stood behind measures which had for their purpose the improvement of the habits and customs of the people. It is not surprising, therefore, that the early history of the origin of savings banks in this state lives only in tradition, of

which the details are lost. A few public-spirited citizens saw in their creation a possible local relief from increasing pauperism, but the people at large were not concerned in their establishment. The well-to-do farmer loaned to his neighbor upon mortgage; the business-man was accommodated at the discount banks or by private loans; but the idea of the savings of wage-earners furnishing capital for industry, being used for the development of the then-distant West, or contributing largely the funds invested in our public debts, was not thought of by even the projectors of these beneficent institutions. That was to come later, when every mill privilege of the state was utilized by a factory, and manufacturing became the leading industry of its people.

Portsmouth, Dover, and Exeter were then the important towns of the state, and from these centres came the first calls for savings bank charters. The names appended to the petitions sent to the legislature were those of eminent men in these communities, leaders and moulders of public opinion, and in some cases men of more than local celebrity. They set out in these petitions the reasons which actuated them in asking for charters, and the petitions appear to have been the only arguments that were needed to convince the legislature of the wisdom of granting their requests. It was in 1819 that the subject was first brought to the attention of the New Hampshire legislature, three years after the first savings bank charter was granted in this country. The petition for a savings bank charter came from the citizens of Portsmouth, and the bill was reported in the house for a charter for a provident society for savings, to be located in that town. The bill passed the house without discussion, but was defeated in the senate. In the session of 1823, petitions were presented by citizens of Portsmouth and of Dover for the incorporation of savings banks in those two towns. The Dover petition, which is here given, expresses clearly the motives of those who were instrumental in incorporating these beneficent institutions:

#### PETITION FOR A SAVINGS BANK AT DOVER.

The undersigned inhabitants of Dover, Somersworth and other towns in said State respectfully represent, that there are in said towns at this time a great number of mechanics and persons engaged in different departments of labor in the large manufactories in said towns; that the number of these last is soon to be greatly increased, so that they will constitute nearly one-fifth part of the whole population of said towns; that, in the opinion of your petitioners, whatever bad influence may arise from manufacturing establishments, can best be avoided by encouraging amongst the persons employed in them habits of economy and frugality, by means whereof a check is given to intemperance and profusion and other vices, whose certain operation is to bring distress upon individuals and to introduce disorder into society.

The undersigned furthermore represent that under the present provisions of the poor laws, they have reason to apprehend a great increase in the number of paupers unless care is taken to prevent pauperism, by encouraging frugal habits and by affording to the laboring classes an easy and secure mode of reserving a portion of their wages to meet unforeseen emergencies.

Your petitioners are of opinion that the prevention of pauperism is a duty more incumbent on society than relieving it,—that it is of greater benefit to individuals and to the community.

The establishment of an institution upon the principles of the savings banks established elsewhere, in which the laboring classes may from time to time deposit a portion of their wages and suffer the same to regularly accumulate, appears to the undersigned well calculated to answer all the beneficial effects herein contemplated; they therefore pray the Honorable, the General Court, to incorporate them into a society, by the name of the Savings Bank of the County of Strafford, with all the powers usually granted to other corporate bodies, and such as may be deemed necessary to answer the purposes of this organization.

The legislature of 1823 met Wednesday, June 4th. On Saturday, June 7th, Mr. Nathaniel A. Haven, Jr., a member from Portsmouth, presented the petition of

Elijah Hall and others for the establishment of an institution for savings, to be called the Portsmouth Savings Bank. This petition was referred to the committee on incorporations. Nine days later, Mr. Haven, from that committee, introduced a bill for the incorporation of the Portsmouth Savings Bank, and the bill was read a first time. The next day, the bill being on its second reading, Mr. Bartlett, of Dover, observed that the principles of the bill were new and required some consideration before it was finally passed; he therefore moved its reference to the committee on judiciary. The principles of the bill, although new, appear to have speedily commended themselves to that committee, for on the afternoon of the same day the bill was reported back with an amendment, and agreed to. It was then ordered to be engrossed and read a third time. On June 23rd, in the regular course of business, the bill passed the house. It went to the senate the same day; was read twice, and referred to the committee on incorporations; and the next afternoon it was reported favorably, read a third time and passed. It received the approval of the governor June 26th, 1823.

On June 21st, before the Portsmouth savings bank charter had passed the house, Mr. Sherburne, of Dover, presented the petition of John Williams and others, praying to be incorporated into a company by the name of the Savings Bank of the County of Strafford, and the bill passed both house and senate without objection, and received the approval of the governor July 1st.

This is the legislative history of the first two savings banks incorporated in this state. The passage of the bills incorporating these banks occasioned no debate in either house, and no comment in the newspapers of the day. This was seven years after the first savings bank was incorporated in this country, and the Portsmouth Savings Bank and the Savings Bank of the County for Strafford are the ninth and tenth savings banks in point of age in the United States. These two institutions, now in the sixty-fourth year of their existence, are among the strong institutions of the state, and have passed through the series of panics which this country has experienced, without having had in any way the confidence of the people in their stability impaired. They were started to eliminate the pauperism then common in New Hampshire as well as in other New England states, and from small beginnings have grown to be institutions which not only provide against the wants of the wage-earner in time of idleness, but have also furnished capital for the business of the state, and have materially assisted in the development of the country. The Portsmouth Savings Bank received its first deposit August 20, 1823, and the Savings Bank for the county of Strafford February 28, 1824.

The first charters for savings banks in New Hampshire were granted in perpetuity, and it was not until ten years later that a time limitation was placed upon these charters. Then the practice was not uniform, some charters being granted in perpetuity, and others for a period of twenty years, to be renewed by legislative grant at their expiration. In 1883, however, the legislature made the charters of all savings banks in the state, incorporated for a term of years, perpetual. Until 1871, all charters for savings banks were mutual charters, the depositors being entitled to all the profits received from the investment of their deposits. These charters were general in character, and contained few, if any, restrictions beyond a limitation of the amount of real estate that the savings bank could hold, and a prohibition against the issue of any bill or promissory note to circulate as currency, and the payment of any compensation for the services of the officers of the corporation, except its treasurer or secretary. It was left to the corporation to make by-laws for its government and management, and some of the early savings banks were authorized to receive



deposits of money and "other personal property," under such conditions as might be prescribed in the by-laws. The books and accounts of the corporations were to be open to the inspection of the governor of the state, or to any justice of the Superior Court of Judicature, or to a committee for that purpose appointed by either branch of the legislature.

It was five years after charters were obtained for savings banks at Portsmouth and Dover before any further charters were granted. In 1828 the Exeter Savings Bank was chartered, upon petition of the citizens of that town, to be followed by the granting of a charter for the New Hampshire Savings Bank at Concord in 1830, the Meredith Bridge (now Laconia) at Meredith, and the Connecticut River at Charlestown in 1831, the Newmarket at Newmarket in 1832, the Cheshire Provident at Keene in 1833, and the Sullivan Savings Institution at Claremont in 1838. Then there was a lapse of seven years before any other savings bank charters were granted. Of the above, only two, the New Hampshire at Concord, and the Laconia at Laconia, are now in active operation. The Exeter Savings Bank was the first of the savings banks of the state to become involved in financial difficulties, and to be wound up. No supervision had been exercised by the state over savings banks up to the time that the Exeter Savings Bank got into difficulty. The legislature of 1841, to meet just such a contingency, passed the following resolution :

RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN GENERAL COURT CONVENED.

That it shall be the duty of any one or more of the bank commissioners of the state, whenever directed by the Governor, to make a thorough examination of all the concerns of any or all of the saving institutions established within this state—to report the result of any or all such examinations, together with his or their opinions of the solvency or otherwise of any and every such institution to the Governor. And if the Governor shall be of opinion that any one or more of such saving institutions are not managed with that skill or honesty which the interests of the depositors require, then and in that case, the Governor, with advice of Council, is hereby authorized forthwith to appoint one or more suitable persons as trustees, who shall and hereby are authorized to take possession of and manage and close the entire concerns of such institution, and pay from the proceeds to the several depositors in proportion to their several deposits. Provided that in all cases prior to said trustee or trustees entering upon the duties of his or their appointment, he or they shall furnish a good and sufficient bond, in such sum as the Governor with advice of Council shall order, for the faithful discharge of the duties of said office.

On the 23d of June, 1842, Governor Hubbard appointed Samuel Cushman, of Portsmouth ; James Burley, of Exeter, and James Foss, of Stratham, trustees of the Exeter Savings Bank, and gave them authority to take possession of, manage, and secure the entire concern of said institution for the benefit of the depositors, in pursuance of the above resolution. These state trustees, after giving bond, made a demand upon the trustees of the institution for its property, but their right to take possession was disputed by the corporate trustees. They immediately filed a bill in equity to obtain possession and control of the property for the benefit of the depositors. A temporary injunction was granted by the court, restraining the corporate trustees from meddling with the property until a hearing could be had. The history of the attempt of the state trustees to take possession of the Exeter Savings Bank, and their failure, is contained in the following report made to the Governor and Council :

#### REPORT OF THE EXECUTIVE TRUSTEES OF THE EXETER SAVINGS BANK.

To His Excellency the Governor and the Honorable Council of the State of New Hampshire :  
Respectfully report,

The undersigned, that they, on the 23rd day of June, 1842, had the honor of being appointed trustees of the Exeter Savings Bank, for the purpose of bringing the affairs of said institution to a

close, and to pay over to the depositors the respective sums which they had deposited therein ; that after they had executed and filed in the office of Secretary of State, as they were required to do, a good and sufficient bond, for the faithful discharge of the trust reposed in them, and after they had given due notice of their appointment, by virtue of the power in them vested, they made a requisition upon the corporate trustees for all the assets belonging to said Exeter Savings Bank, which requisition the said corporate trustees refused to grant. Whereupon the undersigned applied to one of the justices of the Superior Court of the State of New Hampshire, for a writ of injunction against said corporate trustees, commanding them to stay all further proceedings relative to the affairs of said institution, until the further order of said Court thereon. Which writ was issued in due form of law, and thereafterwards, to wit, on the third day of August, 1842, the same was duly served upon the said corporate trustees, whereby they were restrained from intermeddling with the affairs of said bank, until the further order of the Court thereon, as aforesaid, and thereafterwards a subpoena was issued, in due form of law, and served upon the corporate trustees, aforesaid, requiring them to appear at the Superior Court of Judicature, then to be holden at Exeter, within and for the County of Rockingham, on the first Tuesday of December then next, to show cause, if any they had, why the assets of the said Exeter Savings Bank should not be delivered over to the executive trustees to be by them distributed to the respective depositors in said institution, agreeably to the expectations of the Governor and Council of the State of New Hampshire, when they made the above-mentioned appointment.

Agreeably to the command contained in the above mentioned subpoena, the said corporate trustees did appear at the above-mentioned Court and file their answer to the bill in equity, which had previously been filled in the clerk's office of the above-named Superior Court, and after a hearing thereon, the justices of said Court "Do decree and order that the injunction heretofore awarded by said court, be and the same is hereby dissolved," by which decision the undersigned have been relieved from the performance of any further duty in the premises, and herewith transmit to Your Excellency an account of the expenses which have been incurred in the above mentioned prosecution, which is marked A, and also an account of the receipts and disbursements which have already been made, marked B, and respectfully request that the same may be laid before the Honorable Legislature, that such proceedings may thereon be had, as to procure an appropriation sufficient to pay the balance due the claimants therein mentioned.

All of which is respectfully submitted.

Signed :

SAMUEL CUSHMAN,	} Executive Trustees of the Exeter Savings Bank.
JAMES FOSS,	
J. BURLEY.	

Although the state trustees failed to obtain possession of the property of the Exeter Savings Bank, its affairs were closed by its own trustees soon after. The governor continued to direct the state bank commissioners to examine into the affairs of the savings banks as it seemed to him necessary, but as late as 1845 only two of the savings banks, the Meredith and New Hampshire, were reported as examined by the bank commissioners. In 1847, however, an act was passed which made it the duty of some one of the bank commissioners, once at least in each year, without previous notice, and as much oftener as the governor may require, to make personally a full examination into the condition of each savings bank or institution for savings. From that time forward, the bank commissioners made annual reports of their examinations of the savings banks, for a time to the legislature, and these were published in the journals of the house; and afterwards to the governor and council, when they were printed in separate reports. The growth of the savings banks had been so slow for the first eighteen years of their existence that the question of supervision was only indifferently considered. In 1841, only nine savings banks had been chartered, and but seven of these were in active operation. When it is considered that the state banks of discount and issue were not put under super-

vision until 1837, it is not surprising that the provisions of this law were not extended to savings banks until ten years later.

The failure of the Exeter Savings Bank had its effect upon the legislature when applications were made for additional charters for savings banks. In the years 1842 and 1844 applications were made for charters for the Amoskeag Savings Bank at Manchester, the Somersworth Savings Bank at Somersworth, and the Walpole Savings Bank at Walpole. All three applications were rejected by the legislature. The bills for these charters passed the house, but were killed in the senate, and until 1845 no other savings bank charter was granted. Then the Somersworth Savings Bank secured a charter for a term of twenty years. The Walpole Savings Bank, while it was incorporated in 1849, did not take advantage of its charter, and was successively reincorporated in 1865 and 1875; and it was ten years later before the Amoskeag Savings Bank secured a charter, although in 1846 a charter was granted for a savings bank in Manchester, to be called the Manchester Savings Bank. In 1854 a bill was passed by the legislature providing for the consolidation of the Manchester and the Amoskeag Savings Banks, to be known as the Manchester Savings Bank. No action was taken under this law, because the incorporators of the two institutions could not agree upon the control of the new institution. Since then, both institutions have flourished beyond the expectations of their promoters, and have become the largest institutions in the state. From this time forward, the multiplication of savings banks continued with but few interruptions. Charters for one or more were granted at almost every session of the legislature.

In 1850 the total deposits of the savings banks of the state were only \$1,600,000. Forty-three years later the total deposits of the savings banks were, in round numbers, \$75,000,000. June, 1893, was the high-water mark of savings bank deposits in this state. Since then, owing to the panic of that year, unfortunate investments in the West, and the large tax imposed by the state on savings bank deposits, there has been a large decrease in the volume of deposits, together with the failure of a large number of savings institutions. From 1850 to 1893 there was a steady increase of deposits, with the exception of the four years, 1858, 1874, 1878 and 1879. There were twelve savings banks in 1850. There were seventy in 1893. In 1850 the total deposits of the savings banks were but little in excess of \$1,500,000. In 1893 there were twenty-three savings banks that had deposits of over \$1,000,000 each; ten with deposits of over \$2,000,000; seven with deposits of over 3,000,000; five with deposits of over \$4,000,000; and one with a deposit of over \$7,000,000. In 1850 there were 13,000 open accounts in the savings banks. In 1893 there were 174,000. In 1850 the average to each depositor was \$125. In 1893 it was \$425. In 1850 the deposits averaged to each person in the state \$5.16. In 1893 the average was \$200. For a period of several years prior to 1893, New Hampshire had the largest amount of savings bank deposits, per capita, of any state in the Union.

Of the 174,000 open accounts in the savings banks in 1893, seventy-five per cent were accounts of from one dollar to five hundred dollars, while nearly ninety per cent were sums of less than one thousand dollars. Only about three per cent of the accounts exceeded two thousand dollars. The importance of the savings banks at this time can be seen by a few comparisons. The total resources of the national banks of New Hampshire in 1893, according to the comptroller's report, were \$21,000,000. The total resources of the savings banks at the same time were eighty millions of dollars, and the resources of the New Hampshire savings banks exceeded the resources of the national banks of the three states of Maine, New Hampshire and Vermont. The deposits of the savings banks of New Hampshire in 1893 were nearly



ten times the deposits in the national banks, and at that same period the savings deposits exceeded the business deposits in the national banks of Maine, New Hampshire, Vermont, Rhode Island and Connecticut. At this time the deposits of the savings banks were four times the valuation of all the railroad property in New Hampshire, including the rolling stock and equipments; four times the valuation of the manufacturing plants of the state; and equal to two-thirds of the value of all the lands and buildings of the state.

Although several attempts were made by the state at an earlier period to tax savings bank deposits, it was not until 1865 that the state assessed and collected a tax on these deposits, distributing it to the towns in the proportion that their deposits bore to the total deposits. The tax imposed in 1864 was three-fourths of one per cent. In 1869 this tax was increased to one per cent., where it remained until 1895, when it was reduced to three-fourths of one per cent. From 1865 until the present time, the savings bank taxes have aggregated twelve millions of dollars. This tax has been of immense benefit to the towns of the state, and just before the reduction of the rate from one to three-fourths of one per cent., it was sufficient in nearly all the towns to pay their state tax. In some it met both the state and county tax. In 1893 the amount received from the savings bank tax was two and one-half times the taxes received from railroads, insurance companies, and telegraph and telephone companies, and was nearly one-fourth of all taxes of the cities and towns of the state.

Although the rate of taxation of savings bank deposits was larger in this state than in other New England states, it took several years of discussion and agitation to secure its reduction, and it was only after disaster overtook some of the savings banks that the legislature could be made to see that the further imposition of the one per cent. tax was likely to bring ruin to many of these institutions. In 1891, when the subject was brought to the attention of the legislature, the bill for the reduction of the tax did not meet with sufficient favor to be reported to the house. Two years later a bill was reported to the house, but was defeated by a very large majority. In 1895 the bill passed by a larger majority than it was defeated two years previous. In the intervening time between 1893 and 1895, several savings banks had gone into the hands of assignees, and others were on the verge of insolvency. The reduction occurred too late to prevent disaster to the savings banks. The one per cent. tax and the losses accruing to the savings banks through their Western investments, compelled them to reduce their rate of dividend to three per cent., which being lower than the prevailing rate in other New England states, caused a large withdrawal of deposits, compelling many banks to close their doors because of inability to meet the demands of their depositors. A proper reduction of the savings bank tax in 1891, or even as late as 1893, would have enabled the savings banks to have maintained a four per cent. dividend, which would have been satisfactory to the depositors, as it was the general rate prevailing in adjoining states.

The government of the mutual savings-banks was entrusted to trustees selected by the incorporators. These trustees were elected annually, and in turn chose the president, treasurer and executive officers of the bank. The trustees were selected as a rule from among the successful business men of a community, and as they received no compensation for their services, the office of trustee came to be regarded as an honorary position, conferring a certain mark of distinction and confidence. While these institutions were small and the deposits were confined mainly to the savings of people of limited incomes who were unable to make judicious investments of these savings, the burden upon the trustees was slight, and its entirely philanthropic character led generally to careful management.

As the savings-banks grew in size and people of means used them as a place of deposit and investment, the labor devolving upon the trustees became in some instances a severe tax, and a duty which was once cheerfully borne by them was now delegated to the executive officers, or to committees, or was neglected altogether. It began to be seen that the provisions in the charters that the trustees should receive no compensation for their services, was a disadvantage to the successful management of the banks. Trustees could not neglect their private business, and give such attention to the affairs of banks with which they were connected as their interests demanded. It was no longer the money of the wage-earners for whose care they were made responsible, but the accumulations of persons who were as well able to invest funds as the trustees themselves. It was not, however, until 1881 that this defect in the charters was cured by legislative enactment, and savings-bank trustees were authorized to pay themselves and the president of the bank reasonable compensation for services rendered. It was not until several years after the passage of this act of 1881 that the savings-banks generally adopted the practice of paying their investment committee for time actually spent in making the investments of the bank and their examining committees for work performed in the semi-annual examinations required by statute.

The failure of savings-banks through neglect of their trustees to attend to their duties, led to the establishment of guaranty savings-banks (so called). The first of this class of savings-banks was chartered in 1871. The charter provided for a permanent paid-in guaranty fund, to be at all times equal to ten per cent. of the deposits, which could not at any time be reduced below that percentage, and no part of which could be withdrawn except by permission of the bank commissioners. Two classes of depositors were created: the owners of the guarantee fund or capital stock, who were called the special depositors; and the general depositors, who were the same as depositors in mutual savings-banks. To these special depositors was given the control of the management of the bank, the investment of its funds and all profits arising therefrom in excess of the fixed rate of dividend to the general depositors. In most of the charters for guaranty savings-banks this rate of dividend could not be less than four per cent.

It was urged in behalf of this class of savings banks that they would be better managed because of the financial interest that the special depositors had in them; that there would be an inducement to men, who had invested money as a guaranty fund for the safety and protection of the general depositors, to more carefully scrutinize its affairs, than would be the case of trustees of mutual savings banks, who frequently had no deposit in the bank. In the case of the guaranty banks, if losses occurred, the guaranty fund or capital stock must be first exhausted before any loss could fall upon the general depositors. Theoretically, this reasoning seemed to be sound, and from 1871 until 1893, with one exception, the only charters asked for, and granted by the legislature, were guaranty charters. It was about this time, owing to the rapid increase of deposits, that the savings banks began to make large investments in the west. High rates of interest prevailed in that section, and the second institution of this kind incorporated in the state was so successful that it not only paid eight per cent. dividends to its special depositors, besides paying a five per cent. rate to its general depositors, but in a few years was able to declare a stock dividend of one hundred per cent., on which it has since paid regular annual dividends of from eight to four and a half per cent. The success of this institution stimulated the demand for that class of savings-bank charters, and banks were created in excess of the demand of the public for such institutions. This created a rivalry between the

new institutions and those already established in various localities, unhealthy in its character and ultimately disastrous to the savings-bank interests of the state. Men engaged in the savings-bank business, under guaranty savings-bank charters, for the purpose of profit to themselves, and in taking risks more attention was paid to the profits expected, than to the security of the investments, of which the general deposits formed ninety per cent. In other words, the hazard was ten per cent. of their own money, and ninety per cent. of that of other people; in which, if there was gain, the profit was largely theirs, and, if there was loss, they had but a small percentage involved, although that percentage was the first to suffer.

It was possible for the trustees of both the guaranty and mutual savings banks to make almost any kind of an investment of these trust funds, owing to the lack of legislation regulating the investments of savings banks. The high rate of dividends that were paid by the savings banks of the state because of the high rates of interest they obtained in the west, called deposits here from other states; while the practice of most of the savings banks of paying depositors on demand led to the placing of much money in the state in savings banks which did not belong there. It was for the interest of the stockholders of the guaranty savings banks to increase their deposits, because of the profit accruing therefrom through successful investment of the funds. Some of this class of banks went so far as to advertise for deposits, even outside the state, calling in money in large amounts by reason of the high rate of dividends guaranteed to the general depositors. In certain sections of the state intense rivalry existed between these new banks and the mutual savings banks, which led to improper investments and eventually to the wreckage of these institutions. The savings-bank business was overdone, and any opposition that was made to the granting of additional savings-bank charters was met by the assertion that the old and established institutions did not accommodate the local people. In one particular instance, application was made for a charter in a village already amply accommodated by a mutual savings bank. The trustees of the mutual savings bank appeared before the legislative committee and urged that there was only business enough for the bank already in existence. The promoters of the proposed guaranty bank replied that the old institution did not accommodate the local patrons, and that the object of securing the new charter was that loans might be made to the local people. The absurdity of this reasoning did not impress the legislature, and the charter was granted. Savings banks were then paying five-per-cent. dividends to their general depositors. The state tax was then one per cent. upon both the general and special deposits. It was usury to loan money at a higher rate than six per cent. in New Hampshire. If the new bank loaned its money to local patrons at six per cent. interest, it would have no income from which to pay expenses or dividends to its stockholders, after having paid its general depositors five per cent. and the state tax of one per cent. In order to live the new bank had to make the principal part of its investments in the west at high rates of interest, and in less than six years was obliged to wind up its affairs.

A very few of the guaranty banks were piloted through the panic of 1893 with safety; their preservation, however, is due to the conservative character of their management, and to the contentment of their stockholders with small returns for their money. No guaranty savings-bank charter has been granted since 1893, and none of those granted since 1889 have ever been used by the incorporators. There was a period of about ten years, from 1879 to 1889, when this class of savings banks were in high favor with the people of the state. What might have been their history under wise laws regulating the investments of savings banks, it is impossible to tell, and perhaps



unprofitable to speculate upon. Under the then-existing condition of affairs, it is apparent now that they ought never to have been chartered. The theory of conducting a savings bank for the profit of anybody besides its depositors is wrong in principle, and proved to be disastrous in practice.

In this state it has been a mooted question whether the legislature should undertake to regulate the investments of savings banks. So long as the volume of deposits was small, savings-bank trustees had no difficulty in making their investments within the state, but, after the close of the War of the Rebellion, the rapid increase of deposits necessitated the making of investments outside the limits of the state. Those who have opposed the legislative regulation of savings bank investments have maintained that the trustees of savings banks are better qualified to pass upon the subject of investments than a legislative body, that the character of investments frequently changes, that what at one time are considered safe and conservative securities may in a few years become doubtful through a change of conditions which no legislative body could foresee, that putting the matter into legislative control would necessitate frequent alterations in the law, and that these changes would be very likely to cripple the banks. Furthermore, it has been maintained that, under any system of regulation, much must be left to the discretion of the investment committees of the savings banks. The officers of successfully conducted savings banks have contended that they should not be hampered in the conduct of their business by rules and regulations which seem to be necessary for the guidance of incompetent persons, that it is better to have a few savings banks well conducted than to have many which must be hedged about by legislative restrictions.

In reply to this, it is said that the first object of savings bank trustees should be to so invest the deposits that the principal will be secure, regardless of the rate of dividend paid to the depositors; that trustees undertake only to make such investments as will return a moderate income to the depositors, and that such classes of investments are limited and can be very easily prescribed by the legislature; that the legislature exercises a supervision over these institutions in that it appoints bank commissioners to examine into and report upon the condition of their affairs; and that, having assumed such authority, the state should go further and prevent losses to depositors through improper investments. The state has no guaranty that any savings bank will be successfully conducted by its officers. The small savings banks are essential for local convenience and accommodation, and such general restrictions as are necessary for the weak savings banks will work no hardship upon the strong banks.

The question of regulating the investments of savings banks does not appear to have seriously engaged the attention of the legislature until 1869. The deposits were then \$16,000,000, the number of savings banks, thirty-eight, and the number of open accounts, 62,931. From the early days of the savings banks there have been more or less complaints that people residing in the localities where savings banks were situated were not accommodated as they thought they ought to be in securing loans from these banks, the contention being that the accumulations of the savings banks were mainly the property of local depositors, and that the immediate locality should have the largest benefit from the investment therein of these trust funds. As early as 1850, a complaint of this kind was noticed by the bank commissioners in their published report. In going outside the state for investments, some of the banks met with serious losses, and these losses were more severely criticized for that very reason. With the idea of making savings bank investments more secure and of compelling the savings banks to give greater heed to local demands for money, the legislature of 1869 passed the following act:

"One-half of the deposits received in savings banks and one-half of the investments made by savings banks shall be invested in notes and mortgages of individuals residing or doing business and having a place of business in this state; in stock of bank associations located in this state; in the first-mortgage bonds of any railroad company incorporated under the authority of this state, which is in possession of and operating its own road, and which has earned and paid regular dividends for two years next preceding such investments, or in the bonds of any such railroad company which is unencumbered by mortgage; in bonds or loans of this state or of any city, county or town therein; or in notes of individuals or corporations residing or doing business and having a place of business in this state, with sufficient sureties or collaterals."

This act was supplemented five years later by the following :

"No savings bank shall hereafter invest any part of its deposits in the stock of any railway or manufacturing corporation."

These two acts remained unchanged upon the statute book until 1881, when they were repealed, and, in place thereof, the following law was passed :

"No savings bank shall loan to any person or corporation, firm and its individual members an amount in excess of ten per cent. of the deposits and accumulations of such savings bank, nor purchase or hold both by way of investment, and as security for loans the stocks and bonds of any corporation to an amount in excess of such ten per cent."

For the next ten years this was the only limitation placed upon savings bank investments.

The law of 1869, which restricted one-half of the investments of the savings banks to the state of New Hampshire, was a source of continued friction between the bank commissioners, who were called upon to enforce it, and bank trustees, who believed compliance with its provisions to be disadvantageous to the depositors. The law soon became a dead letter. The savings banks that most persistently violated its provisions were the most successful savings banks of the state, and the commissioners hesitated to interfere in their management.

It was during the period that this law was in force that the attention of savings bank trustees was directed to investments in the West. Individuals had successfully loaned money in that section of the country upon mortgages of farm lands at high rates of interest. The rapid development of the country, the large crops obtained, the high prices prevailing for those crops, enabled the western farmers to meet their payments of interest promptly, and discharge their debts at maturity. The legislature of 1869 had increased the savings bank tax to one per cent.; depositors had been receiving, and were expecting, a high rate of dividend; and, to meet these expectations, and the increased burden of the state tax, savings bank trustees were easily persuaded that the West afforded abundant and safe opportunity for the investment of their surplus funds. So profitable did these western investments become, and so satisfactory to both trustees and depositors before 1881, that there was little opposition to the repeal of a limitation which was successfully nullified by the larger institutions of the state.

The law of 1881 was practically no restriction upon the investments of savings banks, and, from 1881 to 1891, there was a decade of unlimited investments for New Hampshire savings banks. It was not alone western farm mortgages that were taken, but mortgages on town lots in the suburban districts of the so-called cities of the West, mortgages on farms in arid sections of the West, debentures secured by this class of mortgages, stock in western investment companies, stock in western state banks under no supervision, stock in newly-organized national banks in mush-

room towns, bonds of water companies, irrigation companies and even graveyard associations, and stocks and bonds of a miscellaneous assortment of enterprises entirely foreign to a conservative conception of a savings bank investment. During this period, the deposits grew from \$32,000,000 to \$69,000,000, savings banks generally paid five per cent. dividends to their depositors, the state was reaping a handsome income from its tax on savings bank deposits, money was flowing freely to the West, and people generally were lured into the belief that this seeming prosperity had a sure foundation and would continue. As early as 1888, the bank commissioners in their report sounded the note of warning. In their report of that year they say:

"The high rates of interest that have heretofore prevailed in the West, and the almost uniform success that has attended the savings banks and individuals in their western ventures, have led the people of the state to look upon all western investments as secure, and to covet those bearing high rates of interest. An unhealthy stimulus has been given to the entire western investment business. Loan and investment agencies have augmented in the West beyond any legitimate call for their existence, and not a few of them are conducted by men who have little capital invested, who are without business experience and whose sole aim is to pay large dividends to stockholders, regardless of future consequences to the company or to the investor. Loans are urged upon borrowers by agents working upon commissions. Excessive valuations are placed upon the property accepted as security and there is a general disregard of all business principles in the management of these companies. . . . The more conservative of our savings banks are limiting their dealings to fewer companies and to those only of well-established reputation. Some of them are not renewing their loans as they mature, but are re-investing the proceeds in marketable securities. The wisdom of their course is plain, for unless there is intelligent discrimination on the part of all classes of investors in western securities, the next few years will be fruitful of loss and disaster."

These admonitions were repeated by the commissioners in their reports of subsequent years. The legislature of 1889 did nothing, and the legislature of 1891 was disposed to be alike indifferent. The bank committee of that legislature reported adversely upon a proposition presented to it to limit the investments of the banks, and, but for the fact that the legislature of that year was engaged in revising the statutes, nothing would have been accomplished at that session. The bank commissioners, however, went before the joint committee of both branches of the legislature, which had in charge the work of the commissioners appointed to revise and codify the statutes, and asked them to give this subject special attention. It was toward the close of the session, the time was too short in which to prepare a detailed investment law, and this committee confined itself to making certain limitations of investments and certain prohibitions. Western mortgages were limited to 40 per cent. of the savings bank deposits. Loans or debentures secured by mortgages of unproductive, unimproved or unoccupied real estate were prohibited, as were also loans secured by pledge of securities or stocks in which a bank was not at liberty to invest. Investments in the stock of any corporation located outside of New England which had not earned and paid regular dividends during the five years next preceding such investment; investments in stock of any corporation located within New England which had not earned and paid dividends during the two years next preceding such investment; investments in the stock of western investment companies; investments in stocks, bonds, notes or other evidences of indebtedness of other corporations, except railroad corporations, whose net indebtedness exceeded the amount of its capital stock actually paid in and remaining unimpaired, were proscribed. Investments in bonds, notes, or other evidences of indebtedness of any county, city, town



or district situated outside of New England, whose net indebtedness above the amount of sinking fund set apart for the payment of such indebtedness and not including debts created for supplying the inhabitants with water, exceeds five per cent. of the amount of the last preceding valuation of property therein for taxation, were also forbidden. This was the extent of the law in 1891. Mild as were its provisions, it was strongly objected to by savings bank officers, and would have been strongly opposed in the Legislature if opportunity had been afforded for such opposition. The committee on revision of statutes did not submit its report until the closing week of the session. It comprised nearly three hundred amendments, which had to be adopted or rejected in their entirety or the legislative session prolonged for several weeks. The amendments of the savings bank law were accepted with the other amendments of the statutes, and thus some restriction was placed upon western investments.

It was not until two years later that the public realized the full force of the warning first given by the bank commissioners in 1888. The panic of 1893 caused the suspension of quite a number of savings institutions, which was the beginning of as serious trouble as has ever befallen the savings banks of New Hampshire. The bank commissioners, in their report of 1893, summarized the conditions and the causes as follows :

"The panic alone is not the cause of these troubles ; it probably hastened them. The seat of the trouble is back of that ; it lies in the absence of legislation prescribing the investments of savings banks, and the state, the depositor, and the savings bank management are alike to blame for the present situation. The state has insisted upon its one per cent. tax on savings bank deposits ; the depositor has demanded a high rate of dividend ; while the savings bank managers have been enticed from legitimate savings bank investments by the high rates of interest prevailing in the West, and the demand made upon the savings banks by both the state and the depositor. So long as the high interest rates prevailed in the West, and so long as these interest rates were paid to the Eastern lender, whether coming direct from the borrower or advanced by some agency for him, it was impossible to direct public attention to the danger of an unlimited field of investments for the savings banks. As early as 1888 the commissioners in their report questioned the expediency of such a wide range of investments, but it was not until 1891 that the legislature undertook to restrict the investment field of savings banks. Then a law was incorporated into the revision of the statutes prohibiting the purchase of some classes of securities, and limiting the amount that could be held of other classes. The statute was mild in its provisions, but, mild as it was, it was strenuously opposed. The law ought to have gone further, and instead of prohibiting certain investments, and indirectly giving countenance to those not prohibited, should have prescribed just what investments the savings banks can hold. The necessity of such legislation has now passed the stage of discussion. We are every day reaping the harvest of unlimited investments in the West. It has come in loss and defaults that have crippled some of the savings banks of the state. To other banks the warning came early enough to enable them to change their policy, and within the past few years they have made more conservative investments,—investments that, while not yielding as high a rate of interest, are more easily convertible into cash, and more certain of returning the principal in full at their maturity. This policy has been repeatedly urged upon the banks by the commissioners ; and, while moral suasion has not been without its effect, legislation in the direction of a law similar to those of other states would be of wholesome benefit, not only to the depositors, but to the state at large. Such a law passed ten years ago would have saved the banks losses which the dividends they have paid in in excess of the savings banks of the adjoining states will not make good to their depositors."

The legislature of 1893 did nothing on this subject, as no measure was presented for its consideration. Beyond attempting to secure a reduction in the savings bank tax, no savings bank legislation was undertaken. In 1895 the bank commissioners prepared two bills which they presented to the Legislature ; one regulating the man-

agement of savings banks, and the other prescribing their investments. Both bills were passed by the legislature in substantially the form in which they were presented, and are the law to-day. The investment law, in its operation, has worked no hardship to any of the savings banks, and is generally accepted by savings bank officers as satisfactory. Its provisions are much more liberal than the Massachusetts statute, but the present conditions surrounding our savings banks require that they should have a larger latitude in making investments.

If the statute of 1895 had been passed in 1881, when the statute of 1869 was repealed, or if there had been some limitation and restriction placed upon investments made in the west, all, or nearly all, of the savings banks of the state that have since come to grief, would have been in active operation to-day. The story of the western investment craze which possessed our savings bank trustees can hardly be written dispassionately at the present time. The incidents connected therewith are too fresh in the public recollection to be calmly analyzed. So long as the banks seemed to be on the high wave of prosperity, there was no thought of their danger, and no disposition to guard against it. The utmost confidence existed in the sagacity of savings bank managers. A proposition to restrict savings banks was looked upon as interfering with the prosperity of these institutions. The state was getting its one per cent. tax and the depositor his five per cent. dividend, and the savings banks were more profitable to the depositors than similar institutions in adjoining commonwealths. Money was coming in large amounts to the savings banks from other states, and the tax on these non-resident deposits swelled the literary fund of the state, which went to the support of schools. When the bubble burst and trouble came, savings bank managers were blamed for much for which they were in no wise responsible. They had most of them drifted with the tide. The first flush of their success was no more attributable to their sagacity than their subsequent disaster to their lack of foresight. Their banks were their pride. They had seen the deposits increase year by year, and they could not brook their decrease. Such loss seemed a reflection upon their management. They had a condition thrust upon them which they must meet. The state tax must be paid; the depositors' dividends must be kept up. A competition was forced upon them by the creation of guaranty savings banks. Their own judgment was reinforced by abundant company. If trouble came, it must come to many; they would not be alone. They, therefore, continued to advance along the line of what seemed established and assured success. When the day of settlement came, it found them losers on individual investments of the same character as they had made for their banks. Their confidence had gone to the extent of hazarding their own savings. It is to their credit that with the greatest opportunity for illegitimate gain, very few instances were shown where any savings bank officer profited by his connection with western investments.

**BANK COMMISSIONERS.**—The supervision which the bank commissioners exercised over the savings banks was, for a number of years, merely perfunctory. This was due, in part, to the small number of the savings banks, their slow growth, and to the lack of legislation defining the duties of commissioners and trustees, and, in part, to the greater importance of the discount banks, whose affairs they were also required to supervise and examine. The pay of the commissioners was small, consisting of a per diem and mileage for a long time collected by them of the savings banks at their examination. The terms of the commissioners were for one, two, or three years, with reappointments the exception rather than the rule, and there was no continuity of their work, owing to the fact that a change of state administration frequently made an entire change in the personnel of the commissioners. They hardly became

familiar with their duties before their successors were appointed. Their recommendations, when they made any, carried no weight with the legislature. Although some excellent appointments were made, as a perusal of the list will show, these men found themselves at once handicapped by lack of knowledge of the action of their predecessors, lack of sympathy and co-operation of savings bank officers, who regarded them as a necessary evil to be borne with as much patience and as little expense as possible, and by lack of confidence of the public, who looked upon the place as a sinecure, to be bestowed upon some friend of the appointing power. The examinations were, in many instances, a farce, the commissioners ignoring the law and sending notice of their coming with blank statements, to be filled out and sworn to by the treasurer, which frequently were not even verified. A conscientious commissioner, who made a thorough examination, was looked upon as an intruder who was meddling with what did not concern him, and, if he advised legislation to correct the recurrence of improper actions, his advice was too frequently ignored. The systems of bookkeeping were dissimilar, each bank being a law unto itself, and moral suasion was the only power, for a long time, vested in the commissioners to correct abuses and improve methods. From 1837, when the bank commission was created, until 1887, a period of fifty years, it was without an office in which to file its papers and do its work. The examination papers of the commissioners, when any were used, were treated as their private property, and either destroyed or lost, and, in 1887, when commissioners were appointed, there was not a scrap of paper on file anywhere to show what the bank commissioners had done, outside of the published reports, and the bank commissioners had not even a set of these.

During this period of public indifference to this important office, some excellent service was performed by individual commissioners and, by their personal endeavors, some wise legislation was enacted. But the brevity of their terms of service interfered with their work of reform and progression. In 1883, the first step was taken by the legislature to render more effective the office, when it was provided that the commissioners should be paid by the state instead of by the banks, making them independent of the institutions they were called upon to examine; but it was not until 1889 that the commission was put upon a permanent basis for systematic and continuous work. Then it was provided that the terms of the three commissioners should be three years, the first appointment being for one, two and three years, respectively, so that the term of no two commissioners would expire the same year, and they were paid an adequate annual salary and their actual traveling expenses. Two of the three first appointments under this act were reappointments of the then commissioners, a practice which has prevailed with hardly an exception since that time. The work that has been performed by this continuing board is shown in their reports and in the statutes of the state. The office is now regarded as the most important one in the state, and its occupants are held to a high degree of efficiency by the public. The panic of 1893 brought to the commissioners trials and responsibilities greater than ever before fell to the lot of like officials, and, if they had not gained the confidence of the depositors by conscientious and efficient labor so that their suggestions were heeded, the losses occasioned by injudicious investments in the west would have been more immediate and widespread. Inexperienced men could easily have added fuel to the flame of excitement occasioned by the large number of bank failures in the summer and fall of 1893, and to the creation of a permanent bank commission the state owes much for the quiet and successful manner in which its savings banks were piloted over the most threatening breakers that lay in their path.



TABLE NO. I.

Showing the number, condition, and progress of the Savings Banks of New Hampshire in each year from 1850 to 1896, inclusive.

Year.	Number of banks.	Number of depositors.	Amount of deposits.	Increase or decrease in amount of deposits over previous year.	Average to each depositor.	Average to each person in the state.	Population (about).
1850	12	13,031	\$1,641,543.71	Inc. \$76,972.76	\$125.97	\$5.16	318,000
1851	13	14,316	1,776,668.00	135,254.29	124.11	5.58	318,000
1852	15	15,771	2,009,619.42	232,849.42	127.42	6.32	318,000
1853	16	18,105	2,507,909.61	498,292.19	138.52	7.89	318,000
1854	16	20,154	3,222,261.52	714,351.91	159.95	10.13	318,000
1855	17	21,300	3,341,256.81	118,995.29	156.86	10.51	318,000
1856	19	23,489	3,537,363.31	196,106.50	150.59	11.12	318,000
1857	20	27,786	3,748,285.63	210,922.32	151.62	11.79	318,000
1858	21	23,463	3,588,685.23	Dec. 159,627.40	152.94	11.29	318,000
1859	23	26,762	4,138,822.40	Inc. 550,164.17	154.65	13.01	318,000
1860	26	30,828	4,860,024.86	721,202.46	157.65	14.90	326,000
1861	26	35,590	5,590,652.18	730,627.32	157.08	17.14	326,000
1862	27	35,920	5,653,585.46	62,933.28	157.39	17.34	326,000
1863	27	39,358	6,500,308.07	906,722.61	166.68	20.12	326,000
1864	28	43,175	7,661,738.46	1,161,430.39	177.45	25.50	326,000
1865	29	43,572	7,831,335.72	169,596.26	179.33	24.02	326,000
1866	29	42,894	7,857,601.01	26,265.31	183.13	24.47	321,000
1867	28	47,792	10,463,418.50	2,605,817.47	218.77	32.56	321,000
1868	31	55,218	13,541,534.96	3,078,116.46	245.12	42.18	321,000
1869	38	62,931	16,379,867.09	2,838,333.13	260.28	51.02	321,000
1870	45	70,918	18,759,461.05	2,379,593.96	264.52	59.00	318,000
1871	52	77,471	21,472,120.07	2,712,659.02	277.16	67.52	318,000
1872	54	86,790	24,700,774.47	3,228,653.37	284.46	77.06	318,000
1873	61	94,967	29,671,114.88	4,970,340.41	312.45	93.21	318,000
1874	64	92,788	28,829,376.83	Dec. 841,737.35	310.70	90.65	318,000
1875	68	96,938	30,214,585.71	Inc. 1,385,108.88	327.37	93.00	325,000
1876	68	100,191	31,198,064.16	983,478.45	326.01	100.07	325,000
1877	67	97,683	32,338,876.55	1,140,812.39	327.70	99.50	325,000
1878	66	94,967	28,793,947.48	Dec. 1,256,267.10	303.19	91.36	325,000
1879	66	87,279	26,282,136.09	1,991,801.20	301.13	80.87	325,000
1880	67	89,934	28,204,791.70	Inc. 1,922,655.61	313.61	86.78	325,000
1881	64	96,881	32,097,734.17	3,838,126.76	331.31	92.91	346,000
1882	65	104,432	36,181,186.70	4,312,860.10	355.37	103.00	350,000
1883	66	113,167	39,124,814.68	2,943,127.98	345.81	111.78	350,000
1884	67	117,317	42,091,596.55	2,966,781.87	358.78	120.20	350,000
1885	68	121,216	43,827,356.41	1,735,789.86	361.25	125.20	350,000
1886	67	125,273	46,631,913.72	2,804,557.31	372.25	131.85	355,000
1887	66	132,714	50,292,666.85	3,660,753.13	378.95	141.67	355,000
1888	69	139,967	53,939,079.29	3,646,412.44	385.36	151.94	355,000
1889	69	145,021	57,300,590.48	3,361,511.19	395.12	161.41	355,000
1890	72	159,782	65,727,019.04	8,426,428.56	411.35	174.80	376,000
1891	73	166,264	69,531,024.62	3,804,005.58	418.19	184.92	376,000
1892	71	169,949	72,439,660.30	2,908,635.68	426.24	192.66	376,000
1893	70	174,654	74,377,278.99	1,937,618.69	425.85	197.82	376,000
1894	70	169,510	70,616,943.66	Dec. 3,760,335.33	416.59	187.81	376,000
1895	67	163,702	66,746,702.87	3,870,240.79	407.73	171.14	390,000
1896	67	162,444	63,215,175.34	3,531,527.53	389.15	162.09	390,000

## NEW HAMPSHIRE BANK COMMISSIONERS.

- Jonathan Harvey, Sutton, 1837-40.  
 John Chadwick, Middleton, 1837-40.  
 \* James Clark, Franklin, 1837-38.  
 Jotham Lawrence, Exeter, 1838-40.  
 † John S. Wells, Lancaster, March, 1840.  
 † James M. R. Wilkins, Bedford, May, 1840.  
 \* Andrew S. Wood, Bath, June, 1840.  
 \* Leonard Wilcox, Orford, December, 1840.  
 \* Amos Tuck, Exeter, 1841-44.  
 James M. Rix, Lancaster, 1842-46 and 1847-54.  
 † John H. Steele, Peterborough, January, 1843.  
 Titus Brown, Franconstown, 1843-46.  
 \* Ira St. Clair, Deerfield, 1844-46 and 1847-48.  
 Henry B. Chase, Warner, 1846-47.  
 Simeon B. Johnson, Littleton, 1846-47.  
 Horace L. Hazleton, Meredith, 1846-47.  
 Frederick Vose, Walpole, 1847-54.  
 Henry F. French, Exeter, 1848-54.  
 George F. Starkweather, Keene, 1854-55.  
 Henry F. Wendell, Portsmouth, 1854-55.  
 John G. Sinclair, Bethlehem, 1854-55.  
 John L. Rix, Haverhill, 1855-58.  
 George C. Peavey, Strafford, 1855-58.  
 Charles J. Amidon, Hinsdale, 1855-58.  
 Daniel P. Wheeler, Orford, 1858-61.  
 Cyrus K. Sanborn, Rochester, 1858-61.  
 George W. Pinkerton, Manchester, 1858-61.  
 Charles H. Powers, Jaffrey, 1861-66.  
 Nathaniel H. Sanborn, Franklin, 1861-63.  
 John Peavey, Tuftonborough, 1861-64.  
 Cornelius V. Dearborn, Peterborough, 1863-66.  
 Elijah Wadleigh, Wakefield, 1864-66.  
 Henry O. Kent, Lancaster, 1866-68.  
 Charles W. Johnson, Manchester, 1866-67.  
 Jacob G. Cilley, Manchester, 1866-69.  
 William W. Hayes, Farmington, 1867-70.  
 Nathan S. Johnson, Newbury, 1868-71.  
 Moses R. Emerson, Claremont, 1869-71 and 1872-74.  
 Noah Tebbetts, Rochester, 1870-71.  
 Amos L. Jennes, Deerfield, 1871-72 and 1874-76.  
 Alonzo J. Fogg, Concord, 1871-72 and 1875-76.  
 \* Frank Kimball, Andover, 1871-72.  
 Joseph M. Folsom, Belmont, 1872 and 1874-76.  
 John D. Lyman, Exeter, 1872-76 and 1880-83.  
 † Buel C. Carter, Rollinsford, 1872-76 and 1881-86.  
 \* Frank A. McKean, Nashua, 1874-75.  
 Leander W. Cogswell, Henniker, 1876-81.  
 John G. Kimball, Nashua, 1876-80.  
 Amos J. Blake, Fitzwilliam, 1876-80.  
 William H. Berry, Pittsfield, 1880-81.  
 George E. Gage, Manchester, 1883-85 and 1885-87.  
 \* Charles E. Cooper, Hinsdale, December, 1886, to July, 1887.  
 James O. Lyford, Concord, July, 1887-89, 1889-92 and 1892-95.  
 Alonzo I. Nute, Farmington, 1887-89 and 1889-90.  
 William A. Heard, Sandwich, September, 1889-91 and 1891-94.  
 Alpheus W. Baker, Lebanon, September, 1890-93, 1893-96 and 1896-99.  
 Thomas J. Walker, Concord, December, 1895-98.

The salient features of the history of New Hampshire savings banks have been here outlined. Much that is of interest might be written of individual institutions, but it is beyond the scope of this article. These institutions represent the industry and thrift of our people. They have depositors in almost every household of the state. From small beginnings they have had a marvelous growth. This growth has been at times abnormal and unhealthy. Savings banks have been started for which there was no legitimate demand. These have met with embarrassment and failure. Others have ventured beyond the bounds of conservative financiering in their investments, and have suffered accordingly. While confidence in these institutions has been disturbed by the troubles that have come in the past few years to those that were weak, yet those which have successfully passed through the crisis, still possess unimpaired the faith of their depositors. Mistakes have been made—grave mistakes—but the responsibility is not alone with the trustees for the errors. Profiting by the experience of the immediate past, there will be hereafter fewer institutions and stronger. The decrease in interest rates all over the country has educated de-

\* Resigned.

† Declined.

‡ Died, 1886, while in office.

positors to expect a lower rate of dividends. Withdrawals to-day are largely on account of the need of depositors for their savings to bridge over present emergencies. The return of business activity will check this outflow in the manufacturing centres, and cause the accumulations to increase. The aggregate will not be restored to the maximum of 1893 for a long time to come, but the growth will be healthy and the increase natural. There are no stronger savings banks in the country than some of the institutions of this state. Their trustees were wise beyond their surroundings, and either did not venture into the western field, or prudently withdrew before the day of peril came. The savings banks now in active operation will, as a whole, compare favorably with those of adjoining states in the conservative character of their investments, and in their stability. They are the permanent monuments of our frugality and self-reliance. No other state has contributed so much, in proportion to its population, of the savings of its wage-earners to the development of the country. Under the wise regulations and restrictions which experience has thrown around the savings banks, their accumulations will hereafter contribute both to the needs of the depositors in time of misfortune, and to the material prosperity of the country.





## CHAPTER CXXX.

### INSURANCE IN NEW HAMPSHIRE.

BY JOHN C. FRENCH.

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**A**LTHOUGH the state retains its name, New Hampshire, it is one of the oldest states in the Union. For reason of its comparatively limited territory, wealth and population its history pertaining to insurance is necessarily limited compared with its military and civil history or her record of eminent sons. Her early settlers of Portsmouth and Dover, as they gradually developed along the coast and inland tide waters for nearly two centuries, were largely dependent upon water transportation, as the principal industries were fishing, ship-building, lumbering, farming and commerce, but there appears no record of a marine insurance company; neither has there been any organized life insurance company doing business with a sufficient reinsurance reserve required to perpetuate its existence, but numerous short-lived so-called relief, endowment and mutual benefit orders have come and gone. In the line of insurance against fires, there have been numerous attempts during the present century, based on the mutual system, premium notes on which assessments were made to pay losses. It has been a simple, easy matter to organize a company of this class, as but little ready cash was required of the policy-holder to join as a member, but as time went on fires occurred, and the assessments became so annoying and excessive that one after another of this class of companies failed in the attempt to meet the losses of the fire fiend. The mutual system becoming unreliable and unpopular, ambitious men in the villages and cities sought and obtained an agency of some stock company with strong financial backing, and extended business in the different states, and successfully solicited risks on most of the best property in New Hampshire; thus the business of the local mutuals was largely absorbed by outside stock companies. In 1852 the first insurance report was issued under three state commissioners, showing the financial condition of each company doing business in the state. In 1870 Hon. Oliver Pillsbury was appointed insurance commissioner, who was instrumental in securing the enactment of a more rigid code of insurance laws, and by his eminent abilities for the position, protected the people against losses from bad practices of insurance companies. His eighteen annual reports, before his lamented death, are replete with valuable facts, information and suggestions bearing on the subject, intended to elevate and dignify the business of sound fire underwriting. Several charters of stock companies had been granted by the legislature, but the first to be able to secure the required capital stock, organize and commence business, was the New Hampshire Fire Insurance Company of Manchester, in 1869. The stockholders were among the most prominent men of the state, who were desirous of building up an insurance company, creditable

to the state, and subscribed as a matter of local state pride, as well as of profit. The corporation was organized with \$100,000 paid in capital; Gov. E. A. Straw was elected president, Gov. Jas. A. Weston, vice-president; Hon. G. B. Chandler, treasurer; who, with their associate officers and directors, commanded the confidence, good-will and patronage of the public. By reason of good fortune, able financial management and prudent underwriting, the success and record of the company has been phenomenal. For twenty-seven consecutive years the cash assets, receipts and surplus have annually increased; the capital stock has been increased from time to time, as appears on the annual statements at the close of '96 from \$100,000 to \$900,000; the annual receipts from premiums from \$40,123 in 1870 to \$1,056,895 and the surplus to \$624,347. Although the company has a national reputation, the business is limited to twenty-two states and about six hundred and fifty (650) agencies. The financial record of this pioneer company has no parallel in the country during that period. In January, '97, the stockholders voted to make the capital stock of the company a round \$1,000,000.

In 1885, a peculiar and unprecedented experience in insurance business occurred in New Hampshire. Under a determined pressure, the Legislature enacted several adverse and restrictive laws: first, forbidding the transfer of suits from the State to United States Courts; second, forbidding combination of companies; third, forbidding the issue of any but a valued policy on buildings; fourth, that wrong descriptions or warranties did not forfeit policies unless fraudulently given.

The fifty-eight out-of-the-state companies declined to do business under such laws, and combined by signing a compact to withdraw from the state unless the so-called valued-policy law was reconsidered, believing it would be done. The Legislature, feeling this was coercion by corporations, also believing the companies would not withdraw, declined to rescind the law. Both sides were disappointed in the result. No fire insurance policy could be obtained from any company located outside of the state with a valued-policy clause. While the retiring companies permitted existing policies to remain in force until expiration, no more were written, leaving many of the larger property owners without protection, and causing much distress, jeopardy, anxiety and indignation as a result of the unfortunate discussion.

Meanwhile, fourteen local companies were organized as a temporary measure of protection, as it was fully demonstrated to all that fire insurance was indispensable to the safe prosecution of protective industries and general business. In 1887, one of the prominent companies that advocated the combination withdrew from the compact, re-entering the state, and fifty others followed, but all declining to write farm buildings, but absorbing the desirable class of risks from the new local mutual companies. One lasting benefit followed as a result of the controversy; towns, villages and cities feeling the want of ample safe insurance were compelled to protect themselves and their property from the danger of sweeping fires, and took active measures to eliminate the conflagration hazard as far as possible. The topography of the state, with its numerous streams and ponds of pure water, hills for reservoirs, was favorable for the construction of public water-works, fire departments were enlarged, factories equipped with sprinklers, and all the recent appliances for the extinguishing of fires adopted.

One of the largest and most unfortunate failures of a fire insurance company in the country occurred in '93, by the failure of the People's Fire Insurance Company of Manchester, wrecked by its president and treasurer. The capital stock of \$500,000, paid in by near three hundred stockholders, was wholly lost, causing great distress and indignation.

The business done in New Hampshire during the year 1896, as reported by the state insurance commissioner, is as follows:—

## BUSINESS OF NEW HAMPSHIRE COMPANIES.

Risks written . . . . .	\$43,593,581.17
Premiums received . . . . .	571,235.44
Losses incurred . . . . .	269,381.94

## FOREIGN FIRE INSURANCE COMPANIES.

Risks written . . . . .	\$48,658,561.62
Premiums received . . . . .	669,116.04
Losses incurred . . . . .	318,104.65

The financial standing of the three largest companies in the state is as follows:—

	CASH CAPITAL.	CASH ASSETS.	SURPLUS.	PREM. REC.
N. H. Fire Ins. Co. . . . .	\$900,000	\$2,581,210	\$624,347	\$1,056,895
Granite State . . . . .	200,000	436,530	41,584	322,905
Capital . . . . .	200,000	411,245	30,561	179,843

The business of fire insurance in this country is far-reaching and of enormous volume, but in the aggregate has proved unprofitable to stockholders. Nine out of the ten companies that have engaged in this perilous business have failed. Reliable fire insurance policies are indispensable to the farmer, manufacturer, the merchant, and all productive industries—a recognized necessity. Fire insurance policies stand as sponsors between the mechanical, mercantile, manufacturing and commercial interests of every community. They stand between the parties, owning and conducting these great interests and possible calamity. No capital is more beneficently or usefully employed, as the entire population is interested in whatever tends to build up, strengthen and perfect fire underwriting. Destroy confidence in this class of institutions, and you strike a staggering blow to every business interest in the country. The whole credit system is based upon fire insurance. It stands up as a wall between combustible property and the fiery fiend. All classes, from the humble laborer to the millionaire, rely upon its protection. Therefore, a truer and better understanding between the insured and the insurer disperses the inconsiderate prejudice so common in the past. Fire underwriting in this country has become in vogue during the present century, gradually developing on a scientific basis founded on statistics and experience. It is pleasant to state that there is a growing change and mutual understanding and information between taxpayers and fire underwriters, that the business of the future will be done on a still more intelligent basis; that cities and states, like the old countries of Europe, will enact rigid building laws, require safer architecture, safer construction of buildings, greater prevention of fires, greater outlay to limit their extent, and employ state fire marshals to hunt down the rascals who apply the torch of the incendiary.

The present method of mercantile schedule-rating is coming in vogue in the large cities, where every element of danger and protection is considered, and each building rated on its own merits. Most fires, destroying over \$100,000,000 annually, are the result of carelessness, heedlessness, gross carelessness. Twenty-five per cent. are caused by defective flues. In fact, most fires are preventible.

The magnitude of capital engaged in fire insurance in this country, and the volume of risks and the frightful amount of loss that annually goes to the national ash-heap, can hardly be comprehended. That the business of fire insurance is perplexing, dangerous, perilous, extra-hazardous and unprofitable in the aggregate is demonstrated by the large number of companies that retire from the delusive business. It is an easy matter for a company to collect premiums in its early years, but it is seldom that a company reserves a sufficient re-insurance fund as a liability, keeping itself solvent to meet all losses on policies in force without relying on further premiums. It was a maxim of Poor Richard that "He who goes borrowing, goes sorrowing," and the company that resorts to future premiums to pay past losses—thus "robbing Peter to pay Paul"—eventually goes sorrowing with its patrons.



## CHAPTER CXXXI.

### THE LUMBER INDUSTRY OF NEW HAMPSHIRE.

BY GEORGE H. MOSES.

**T**HE first settlers in New Hampshire, one hundred and seventy-five years ago, landed at the edge of the primeval forest, which covered almost the entire surface of the state. The demands of agriculture, and the inroads of the lumber industry have gradually decreased the original area of New Hampshire's forests, yet enough still remains in one form or another to embrace more than sixty per cent. of the total area of the commonwealth. The 5,763,200 acres of territory, comprised within the limits of the state of New Hampshire, may be separated into three classes: first, tillage land, about 800,000 acres; second, pasture land, about 1,508,112 acres; third, unimproved land, mostly forests, 3,455,088 acres.

Upon this area man has preyed for nearly two centuries, and, in all the history of the lumber industry in New England, by far the greatest relative demand for the forest product has been made upon the comparatively limited area of tree growth in New Hampshire. The proportions of this industry have steadily increased, and the variety of uses to which the ingenuity of man has increasingly applied the various forms of the forest product have each brought, with the latest discoveries and evidences of man's ingenuity, a new demand upon the ever-ready forest resources of the state, so that to-day, as compared with its nearest neighbor and chiefest rival in this state, New Hampshire occupies the controlling position so far as relates to the uses and value to which its forest product has been put.

According to the latest investigations, relating to the lumber industries of New Hampshire and Maine, the former is incredibly in the lead, as will be seen by a survey of the following table:

TOTALS OF THE LUMBER AND SAW-MILL INDUSTRY OF NEW HAMPSHIRE COMPARED WITH THE TOTALS OF MAINE.

ITEMS.	NEW HAMPSHIRE.	MAINE.
Number of establishments reporting . . . . .	831	531
Capital :		
Hired property . . . . .	\$448,146	\$330,060
Direct investment . . . . .	11,883,447	6,222,380
Miscellaneous expenses . . . . .	546,396	221,162
Average number employes (aggregate) . . . . .	8,932	4,651
Total wages . . . . .	\$2,519,609	\$1,459,929
Firm members, officers and clerks . . . . .	526	348
Firm members, officers and clerks, wages . . . . .	\$238,688	\$142,224
Operatives, skilled and unskilled . . . . .	8,046	4,067

ITEMS.	NEW HAMPSHIRE.	MAINE.
Piece-workers . . . . .	360	236
Piece-workers, wages . . . . .	\$105,148	\$87,038
Cost of materials used . . . . .	4,483,591	1,825,889
Value of products (aggregate) . . . . .	10,907,438	5,017,062
forest products . . . . .	146,562	33,050
saw logs . . . . .	119,855	9,580
telegraph poles . . . . .	2,375	612
fence posts . . . . .	830	1,142
railway ties . . . . .	2,566	11,566
piling . . . . .	6,736	3,700
hewed timber . . . . .	2,500	2,375
all other forest products . . . . .	11,710	4,675
mill products . . . . .	9,920,132	4,558,274
agricultural implement stock . . . . .	2,517	1,631
bobbins and spool stock . . . . .	394,394	86,708
carriage and wagon stock . . . . .	6,377	10,121
furniture stock . . . . .	22,362	40,824
pickets . . . . .	65,737	4,380
sawed lumber . . . . .	6,516,541	2,089,035
shingles . . . . .	932,679	131,614
staves . . . . .	391,039	136,207
heading . . . . .	211,828	80,197
all other products, including receipts from custom sawing	1,376,658	1,197,557
planing-mill products and re-manufactures by saw-mills .	840,744	425,138

These totals were not reached of course, at a bound. They represent the steady progress of New Hampshire enterprise in which nature has stood at the command of man, emphasizing and aiding his ingenuity. As compared to the other most important interests of the state, viz.: manufacturing and agriculture, the lumbering interest exceeds the latter, and closely approximates the former in the annual value of its product in the total of capital invested in the number of establishments at work, and in the aggregate of employees engaged. This is not an unusual condition. The forest product of the whole land occupies the most commanding position from every economic point of view. It exceeds in value all the mining and mineral product by more than ten times; is three times the value of the wheat crop, and is worth more than the gross income of all the railroad and transportation companies.

Its variety is not less than its value, and an enumeration of the uses to which the forest products of New Hampshire can be and are put, lead us through a catalogue of all the phases and employments of human life. Furnishing not only the material for shelter and warmth, it has by the countless mechanical and economical devices which throng the catalogue of the national public offices, been brought into play in supplying food and clothing to all sorts of ornaments and necessities. The claim for the industry thus broadly summarized, the first place in the state's economic scheme is therefore not difficult of demonstration.

From the earliest times, the forest has been man's best friend in nature. To the early pioneers in New Hampshire it stood as the ready cash of nature's bountiful provision for their food. To us it is our most valuable inheritance. Of all the natural resources reserved for our use, it is the most directly useful. In the forest we find ready to hand, without further exertion than the mere harvesting, the greatest variety of material applicable to the needs of man. Springing from the earth we find the means to satisfy every direct want of life. How freely New Hampshire has drawn upon nature's bounty is evidenced upon every page of the history of the state. But for the material ready at hand in her forests the flotillas with which the Ameri-

can flag was carried upon all the waters of the ocean, could hardly have existed, and but for the variety of the forest flora adjacent to the only seaport in the state, the great naval depot which Revolutionary times established at Portsmouth would have been a signal failure. With the increase of population the drain upon our forest resources increased not only in amount, but in variety, and was governed not only by legitimate want, but by caprice, and nature like an indulgent mother yielded not only to the necessities, but to the whims of man as well. It was foreordained therefore, that this condition of affairs could not always last. Nature in preparing the lavish store of forest products took no account of time or space, though both were freely at her command, nor did she care whether the forest was composed of the timbers most useful to man. Tree growth, no matter the kind, satisfied her laws of development.

This was the condition of affairs when the first pioneers reached our coasts, bringing with them a new element which has increasingly and perplexingly entered into the problem. This was the economic side of the question, for when man begins to occupy the ground, when a growing nation has need of the soil for agricultural use and for timber, when the forest is forced to give way to the field and meadow, when in short the conditions are introduced which are found in the history of New England expansion, it is then necessary to introduce economy into the use of our inheritance, and relegate the forest to the non-agricultural soils, and to make the soil do full duty in producing only that which is useful to man.

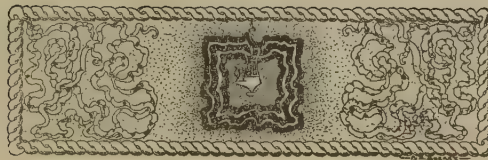
When this stage of development has been reached in a nation, when an increasing population and diminishing resources call for the economical use of those resources, when it becomes desirable to allot and reserve the soil to those uses in which it is best fitted to satisfy human wants, then a new conception of the forest arises, and forest management becomes an imperative duty.

A complex problem is involved in this proposition, a problem to be settled only in the light of a consideration of the claims of future generations and centuries. Those claims mature daily. Under the highly organized system which stands for the state among American institutions, it is no longer a man's right to do what he will with his own when that implies the injury of others, even though the others be yet unborn. The individual's duty is not more for to-day than for to-morrow, and especially is the individual forest owner and operator bound by this rule, the increasing force of which has given rise to the forestry agitation in America.

In Europe, owing to the conservative influence of the feudal system, large forest areas were preserved in strong controlling hands, until the territory was gradually covered by a dense, stable population, which necessitated conservative utilization of all resources, and compelled a careful adjustment of private and communal interests. In this country the conditions were far different. Here a small but energetic and progressive population took possession of an immense territory, and spread rapidly over almost all of its surface. The land seemed boundless in resources. There were no checks upon their use imposed by historical and economical development, which would in the early stages of American life serve to restrict expensive and extravagant management. Under such conditions individualism developed in a ratio with its opportunities. The rights and interests of the citizen were considered first, while the rights of the community were, and now continue to be, but imperfectly recognized and considered. The economic difference between the individual and the communal interest is striking and impressive. Private interest in any one of nature's resources is concentrated upon the immediate gain, and all subsequent considerations are abandoned. The communal interest, on the other hand, has a due regard for the future while in no means neglecting the present. Therefore, in forest management



it may be said that while the rights of private interests are based upon considerations of immediate profit, the communal interests are involved in such manner as to make it necessary to weigh considerations of present as against future and continued advantages, and to set direct value as against indirect return. Under this aspect the incontrovertible influence which the forest cover exercises upon the regularity of water flow and upon the establishment of desirable soil conditions in mountainous territories, is demanded in perpetuity for the benefit of coming generations, and therefore the utilization of existing forest resources must be carried on in such wise that the forest cover be not interrupted, and be reproduced as fast as any portion of it is removed. Under such conditions the community has a duty to perform as against the individual interests of any one of its citizens, and must perform it either through the exercise of the state's power of sovereign police, or by the establishment of a system of government ownership and management of forest lands. Which of these expedients is most desirable for preserving and perpetuating the lumber interests of New Hampshire, it is not the purpose of this writing to determine. That one of them must be invoked sooner or later to maintain the greatest separate industry of the commonwealth, to preserve for coming citizens the full value of the inheritance of which the state should not permit them to be deprived, and, in the most sordid view of the question, to preserve the community's own pocket, is hardly to be denied.



## CHAPTER CXXXII.

### BIOGRAPHICAL.

#### AMOS TUCK.

**M**OST of the great popular upheavals which change the direction of thought and lead to the inauguration of important reforms, are like inventions and discoveries, due to the conscientious courage of a single man. While Garrison may be considered the father of the anti-slavery movement, to no man more than to Amos Tuck, of New Hampshire, is due the crystallization of the sentiment which Garrison inspired, and the formation of a political party, which, in some inscrutable way, was destined to uproot the institution of slavery from American soil. In the history of the New England states, few men deserve a more conspicuous place. But, in judging such a man, it is needless, while giving him his full meed of praise, to denounce those, who, in their devoted love of the Union, feared the effect of the policy which he and his friends pursued. In the mysterious alchemy of events, men of various natures and compositions supply ingredients, all of which are needed to make them lead to successful reform. While it was absolutely certain that the unflinching tenacity of purpose, which characterized anti-slavery men, would result in an attempt to divide the Union, the lessons of patriotism and love of country which Webster had taught and was teaching the youth of the land, inspired the heart with courage, which would be needed whenever that attempt should be made. A re-united country, with slavery extinct, is the joint work of the man of conscientious sentiment and of the man whose life was devoted to the preservation of the Union and its republican institutions.

The first American ancestor of Amos Tuck was Robert Tuck, who came to New England in the earliest years of the Massachusetts colony, and settled in Winnacunnet, now Hampton, N. H., in 1638. Robert Tuck died in 1664, leaving the farm, which had been granted to him by the town, to John Tuck, son of his deceased son Edward. John Tuck died in 1742, at the age of ninety years, and the homestead descended to his son, Jonathan, who died in 1781 at the age of eighty-three years. Both John and his son Jonathan were deacons of the Congregational Church in Hampton, and active leading men in the town. Jonathan Tuck, son of Jonathan, occupied the old home, and died in 1780 at the age of forty-four years. With him the occupancy of the original grant, made to Robert Tuck, ceased, and John Tuck, his son, with his wife and two children, removed in 1807 to Parsonsfield, Me. There he had other children, one of whom was Amos, the subject of this sketch.

Amos Tuck, son of John and Betsey Tuck, was born in Parsonsfield August 2, 1810. On his father's farm, bordering on Province Lake, he passed the years of his boyhood, and attended the district school of the town. At the age of seventeen he entered the academy in Effingham, N. H., and continued his studies in the Hamp-



*Amos Tuck -*





ton Academy, where he was fitted for Dartmouth College, which he entered in 1831. While a pupil in the academy, he taught school a portion of the time, and thus what he was learning as a scholar was more distinctly impressed on his mind by his efforts as an instructor. After his graduation, in 1835, he taught for a time in the Pembroke Academy, and afterwards in the Hampton Academy, and in these two institutions three years more of his life were passed. In 1838, having already, while a teacher, pursued the study of law, he entered the office of Hon. James Bell, of Exeter, N. H., and was soon after admitted to the New Hampshire bar. After his admission he was associated as a partner with Mr. Bell, and the connection continued eight years, during which the firm was engaged in an extensive practice. There could have been no better school for the favorable introduction of Mr. Tuck to the paths of law than the office and business of Mr. Bell, who was at that time in the front rank of New Hampshire lawyers, and whose ability was so distinctly and generally recognized that he was at a later day chosen United States Senator.

In 1842 Mr. Tuck was chosen representative from Exeter to the legislature of New Hampshire. He entered into political life as a Democrat in a Democratic state, and possessing, as he did, a mind thoroughly educated in the curriculum of the school and college, and in the science of the law, no man in his state ever entered upon a public career with a higher promise of success. His strong convictions of duty, however, forbade a blind following of party dictation, and in conscientiously following these, he incurred the hostility of his party associates on the slavery question, and apparently accomplished his political death. But man proposes, and God so disposes as not to leave his servants without their reward. It is no new thing for him who loses his life to find it. In January, 1845, John P. Hale, a Democratic representative from New Hampshire, declared he could not vote for the annexation of Texas, the pet measure of slavery men, and the adopted policy of the Democratic party, and was overthrown as a candidate for re-election. He was not only dropped as a candidate, but he was read also out of the party. Mr. Tuck boldly declared that if Mr. Hale was to be expelled from his party, he was ready to be expelled also. He at once joined with John L. Hayes, of Portsmouth, a lawyer of prominence, and at the session of the February court in Exeter, in 1845, a call was issued by them for a convention of independent democrats to support Mr. Hale, and was sent out for signatures. Two hundred and sixty-three names were promptly secured, and on the 22nd of February the convention was held. This convention was held in the vestry of the First Church, in Exeter, and there the seed was planted which germinated, and finally grew into the great Republican party of our land. Dr. A. P. Peabody, then of Portsmouth, said not long before his death, that he "well remembered the utter hopelessness with which the great public viewed this little band of independents. They were thought to have destroyed their political future beyond all retrieve." Mr. Hayes said of Mr. Tuck, "he had no thought of personal or political advancement; we both supposed it was all over with us. He often said, 'We have a good cause, and we will die making a brave fight.'" Mr. Hale was overthrown, and John Woodbury was nominated in his place. The mills of the gods, which are said to grind slowly, had, however, begun to grind, and Mr. Woodbury was defeated at the polls. The seed planted in the vestry of the First Church of Exeter on the 22nd of February, 1845, did not lie forgotten by the watchful eye of Providence. Watered, indeed, by heavenly dews, its germination was rapid and vigorous. In 1846, Mr. Hale, the rejected representative, was chosen United States senator, and in 1847 Mr. Tuck was chosen a member of Congress. He was really the first anti-slavery man elected to that body. Joshua R. Giddings, of Ohio, and John G. Palfrey, of Massachusetts,

were members of the same Congress, but both had been chosen as whigs. And to New Hampshire belongs the added honor of having chosen the first anti-slavery United States senator. How appropriate, then, are the lines of Whittier, written under the inspiration of the events occurring in that state:

"God bless New Hampshire! from her granite peaks  
Once more the voice of Stark and Langdon speaks.  
The long bound vassals of the exulting South,  
For very shame her self-forged chain has broken,  
Torn the black seal of slavery from her mouth,  
And in the clear tones of her old time spoken."

On the 12th of October, 1853, a meeting was held at Blake's Hotel (the "Squamscot House") in Exeter, for various political purposes, including that of a united co-operation of parties under one title of organization. At that meeting, Mr. Tuck proposed the name of "Republican," and thus became the Godfather of the party, which finally put Abraham Lincoln in the presidential chair. Mr. Tuck was twice rechosen member of Congress, and in 1856 was a member of the convention, which in Philadelphia nominated John C. Fremont for President. In 1860 he was a prominent member of the National Republican Convention, which in Chicago nominated Abraham Lincoln, with whom in Congress he had established a warm personal friendship. He was also a delegate to the Peace Convention of 1861, in which he took a leading part. After the inauguration of Mr. Lincoln, he declined a foreign mission, but accepted the appointment of naval officer of the port of Boston. In 1865 he retired permanently from public life.

Of course, the political career of Mr. Tuck interposed obstacles to the permanent pursuit of his profession. In 1847, after his connection with Mr. Bell ceased, he was associated for about ten years with Judge William W. Stickney of Exeter, and later with his son-in-law, Francis O. French. With both his practice was large and lucrative. He at various times visited Europe, and was at one time associated with Austin Corbin, of New York, in the construction of railroads on Long Island. In the pursuit of his profession and in various enterprises he accumulated a considerable property, from which he gave freely to schools, charities, churches and to other organizations for specific moral reforms. To him the subject of education was ever near and dear. He was especially the friend and helper of young men.

Mr. Tuck served as trustee of Dartmouth College ten years, of Phillips Exeter Academy nearly thirty years and was the first president of the board of trustees of the Robinson Female Seminary of Exeter.

Mr. Tuck died at his home in Exeter December 11, 1879. Few men have led a purer and sweeter life than Mr. Tuck. Though immersed in the activities of the world, he yielded to no temptation to swerve from the path which the unerring compass of his conscience pointed out as the true one. A friend said of him, "I have met and had acquaintance with many men, who have held high positions in life, but when I formed the acquaintance of Amos Tuck I found him to be a most wonderful man. He impressed me as no other man ever did; candid, honest uncontaminated by contact with evil, with a high and noble purpose, magnanimous, kind, generous and deferential, but firm to his convictions of duty as the eternal hills." Theodore Parker said of him "His face is a benediction."





*W. H. Loomis*

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## BENJAMIN PIERCE CHENEY.

**B**ENJAMIN PIERCE CHENEY, one of the pioneers in the express business, was the son of Jesse and Alice (Steele) Cheney, and was born in Hillsboro, New Hampshire, August 12, 1815. His grandfather, Deacon Tristram Cheney, was one of the early settlers of Antrim, New Hampshire, having come from Dedham, Massachusetts, and located near the Hillsboro line. Jesse Cheney, son of Tristram, and father of the subject of this sketch, had nine children, of whom Benjamin P., James S. and Gilman became well known throughout New England and Canada in connection with the express business. Benjamin P., the oldest of these three, was educated in the district schools of Hillsboro and Antrim, and at the age of ten was employed in his father's blacksmith shop, and afterwards in a hotel at Francistown. At a period in his life when most young men are serving their apprenticeship, he developed a manly spirit, and inspired such confidence in his prudence and judgment as to be given at the age of sixteen the position of stage-driver on the route from Nashua to Exeter, New Hampshire, and at seventeen on the route from Nashua to Keene, a distance of about fifty miles. In 1845, at the age of thirty, ten years after the completion of the Boston and Lowell Railroad, he began the express business on that road in partnership with William Walker, of Boston, and Nathaniel White, of Concord, New Hampshire. As the railroad system extended north the firm of Cheney, Fiske & Company, of which he was senior partner, and Phineas Fiske, the junior partner, extended the express business, and after the death of Mr. Fiske, Mr. Cheney still further extended it through New Hampshire and Vermont, under the name of the United States and Canada Express. At a later day he became interested in the Canadian Express Company and the Wells-Fargo Express Company, of San Francisco, in both of which he was a director. Mr. White, with whom he had been associated in the United States and Canada Express, died October 2, 1880, and soon after that time the company sold their business to the American Express Company, of which Mr. Cheney became a director.

From the express business, in which Mr. Cheney had exhibited those elements of character which always lead to a demand for service in enterprises requiring great executive power, an indomitable perseverance and keen judgment, his transition was an easy one to a participation in some of the important railroad schemes needed to perfect the rapidly-growing transportation system of the country. For twenty-three years he was a director in the Atchison, Topeka and Santa Fe Railroad, many years a director in the Mexican Central Railroad, the Northern Pacific Railroad, the Central Vermont Railroad, the Northern Railroad of New Hampshire, and the Kansas City, Fort Scott and Memphis Railroad. He was also for thirty years a director in the Market National Bank, of Boston.

Mr. Cheney married, June 6, 1865, Elizabeth, daughter of Ashel and Elizabeth (Stickney) Clapp, of Boston, and their family consisted of five children, viz.: Benjamin P. Cheney, Jr., Alice S., Charles P. (deceased), Mary and Elizabeth Cheney. Benjamin P. Cheney, Jr., became largely the manager of the extensive and complicated transactions, from the burdens of which the advanced age of his father required that he should be relieved. He is a director in the Atchison, Topeka and Santa Fe Railroad, the Mexican Central Railway, the Kansas City, Fort Scott and Memphis Railroad, the San Diego Land and Town Company, the Market National Bank, of Boston, and the Boston Safe Deposit and Trust Company.



The career of Mr. Cheney adds another to the almost endless list of illustrations of the truth that success in the practical affairs of life is due as much to the lessons learned in the busy paths of industry as to the curriculum of college and school. It is a question for educationists to answer whether the tendency of our educational system is not to scatter the mental powers of our youth, instead of giving them that single force and energy which alone can make discoveries in science, work out inventions in the arts, initiate great enterprises, in fact carry the world along to a higher and grander civilization. It is a question also for political economists to answer whether our modern legislation, in the restrictions put upon the employment of the young in our workshops and factories, and compelling instead, without qualification or exception, attendance at school, is not depriving a large number of the rising generation of the very instruction most needed to develop those special powers with which by nature they have been endowed. In answering these questions let the careers of men of whom Mr. Cheney is a representative be carefully studied.

Mr. Cheney died at his home in Wellesley, Mass., July 24, 1895. The development of his estate in that town afforded him much of the enjoyment which he experienced outside of his business life. He gave much of his time to horticulture, and the Horticultural Society and the Art Club were the only societies in which as a member he felt an interest. During the last twenty-five years of his life he was disabled by the loss of an arm due to an accident on the Northern Railroad of New Hampshire. So far, however, from crippling his energies, the loss seemed to concentrate and intensify them, and during the years of its continuance his most prominent enterprises were accomplished. His whole life illustrated the capacity of our institutions to develop the seeds of energy, wherever they exist, and to furnish to every faithful youth abundant opportunities for advancement and success. The bronze statue of Daniel Webster in the State House grounds in Concord, given by him to his native state, will be a permanent memorial of its munificent benefactor as well as of its illustrious subject.

### NATHANIEL WHITE.

THE subject of this sketch was descended from William White, who was born in Norfolk county, England, in 1610, and in 1635 came to New England, and settled in Newbury. John White, a son of William, was born in Newbury, and died in Haverhill, Mass., June 1, 1668. John White, second, a son of the above John, was born March 8, 1664, and died in Haverhill, November 20, 1727. Nicholas White, son of John, second, was born December 4, 1698, and married in 1722 Hannah Ayer. Noah White, son of Nicholas and Hannah (Ayer) White, was born February 15, 1728, and married Sarah Sweatt. He settled in Coos county, N. H., and died March 20, 1788. Nathaniel White, son of Noah, was born April 10, 1752, and had two wives, the second of whom was Rebeckah Foord. He settled in Lancaster, N. H., and died April 28, 1809. Samuel White, son of Nathaniel and Rebeckah White, was born September 14, 1787, and married, April 2, 1810, Sarah Freeman. He died in Concord, N. H., June 4, 1853.

Nathaniel White, the subject of this sketch, and the son of Samuel and Sarah (Freeman) White, was born in Lancaster, N. H., February 7, 1811. Until fourteen years of age, parental care and the district school gave him the limited education with which his career began. At that age he went into the employ of a merchant in Lunenburg, Vt., with whom he remained a year; and then was employed by Gen.



North White





John Wilson, the landlord of the Columbian Hotel in Concord, N. H. He remained with General Wilson until he became of age, at which time he had accumulated a fund of \$250. In 1832 he bought an interest in the stage route between Concord and Hanover, N. H., and for a few years was the driver of a stage. At a later time he bought an interest in the stage route between Concord and Lowell, and in 1838, in company with Capt. William Walker, of Concord, and B. P. Cheney, of Boston, established an express between Concord and Boston. He made three trips each week to Boston, and personally attended to the delivery of packages, goods or money, or to the transaction of any business entrusted to his care. In 1842, on the opening of the Concord Railroad, he was one of the original partners of the express company, then organized to deliver goods throughout New Hampshire and Canada, later known as the United States and Canada Express. In 1846 he bought a farm in the suburbs of Concord, containing about four hundred acres, and continued to operate it until his death.

In 1852 Mr. White was chosen by the Whigs and Free-Soilers a representative to the state legislature from Concord. He was an early Abolitionist, and his home was the refuge of many a runaway slave, and food, and clothing, and money were freely bestowed on the refugee from the land of slavery. Mr. White was always a strong temperance man, and in 1875 he was the candidate for governor of the Prohibition party, although a Republican; and in 1876 he was a delegate to the Republican National Convention at Cincinnati, which nominated Mr. Hayes for President. In 1880 he was a presidential elector.

Having accumulated a considerable estate, Mr. White became interested in land investments in Chicago, in hotel property in the mountain districts, in railroad corporations, banks and navigation. He was a director in the Manchester and Lawrence, the Franconia Notch and Profile Railroad, and the Mount Washington Railroads, and in the National State Capital Bank; a trustee of the Loan and Trust Savings Bank of Concord, of the State Reform School, the Home for the Aged, and the State Orphans' Home.

In works of charity Mr. White was always interested and conspicuous. He was instrumental in the establishment of the New Hampshire Asylum for the Insane, the State Reform School, the Orphans' Home in Franklin, and the Home for the Aged in Concord. The Reform Club of Concord, which was a philanthropic institution, inasmuch as it sought to promote morality in political and social life, owed largely to him its maintenance, and received substantial benefits at his hands. His religious views were in harmony with the Universalist denomination, and he was one of the founders of the Universalist Society in Concord, and always very largely helped to support it.

Mr. White married, November 1, 1836, Armenia S., daughter of John Aldrich, of Boscawen, N. H., a descendant in the sixth generation from Moses Aldrich, a Quaker preacher, who came to New England in the seventeenth century, and settled in Rhode Island. On her mother's side she is descended from Edward Dotey, one of the passengers in the "Mayflower." The children of Mr. White have been: John A. White, Armenia E., wife of Horatio Hobbs, Boston, Mass.; Lizzie H., wife of C. H. Newhall, Lynn, Mass.; Annie F., Nathaniel White, Jr.; Selden F. and Benjamin C. White. An adopted daughter, Hattie S., is the wife of Dr. D. P. Dearborn, of Brattleboro, Vt.

Mr. White died October 2, 1880, and one who knew him well has said that, "He embodied and exemplified in his life those qualities of mind and heart, which distinguish what we love to call our self-made men. He was essentially progressive,

courageous, and a moving force among his associates. Life was to him full of opportunities, which he had the nerve to seize and the capacity to improve. Force of character, guided by high moral instinct and sterling honesty, made him a power in the business and social community, and won for him his high position. And it was no covetous hand that garnered up this harvest of wealth and influence, and strength of resource. He gathered it, and dispersed it with equal munificence. It went to help the poor, to encourage enterprise, to promote all good works, and to make the community better and happier."

As Wendell Phillips, in a letter to his wife, soon after his death, said, "I well remember, can I ever forget? his earnestness of purpose, generous devotion of time, money and toil; his clear-sighted vigilance, his unflagging zeal and readiness for every sacrifice; traits that so endeared him to every lover of truth and justice. Joined to these were all social traits, winning and cordial manners, gentle regard for others' feelings, and watchful care for their comfort and happiness; so that one counted him, not only sturdy helper and devoted servant of all reform, but warm friend and loved companion."

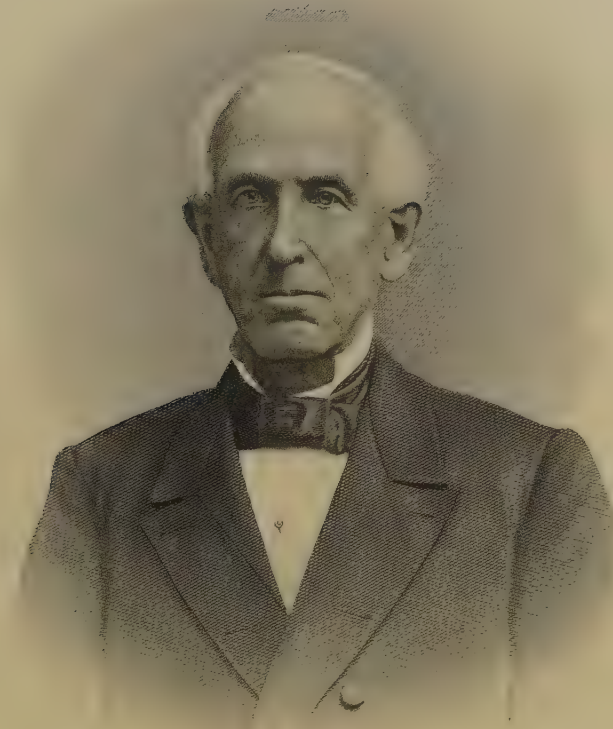
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### NATHAN PARKER.

**N**ATHAN PARKER, the subject of this sketch, was born in Litchfield, N. H., November 21, 1808. He was the son of Deacon Matthew Parker and Sarah (Underwood) Parker, who was the daughter of Judge James Underwood, of Litchfield, N. H. Mr. Parker lived in Litchfield until he was about seventeen years of age, attending the schools of his native town and the academy in Henniker, N. H. He first engaged in business in Merrimack, N. H., but in 1840 he removed to Manchester, which was then a small town of about five thousand inhabitants, where he soon obtained a large and profitable trade. Manchester was being rapidly developed as an industrial centre, and Mr. Parker furnished large quantities of goods to the corporations and others engaged in erecting factories and other extensive building operations then taking place.

In 1845 the Manchester Bank was organized, and Mr. Parker was chosen cashier, which position he held during the existence of the bank. In 1865 the Manchester National Bank was organized, succeeding to the business of the Manchester Bank, and Mr. Parker was elected its president, which office he continued to hold until his decease. The Manchester Savings Bank was established in 1846, and he was elected treasurer, and held the position until 1883, when he resigned, but remained a member of the board of trustees. During the greater part of this long period he practically conducted the affairs of these banks, and their success, permanence and prosperity were in a great degree due to his skillful, prudent and far-seeing management.

In addition to his extensive banking interests, Mr. Parker was actively engaged in the development and management of the railroads of New Hampshire. From 1867 to 1871 he was a director of the Concord railroad, and its treasurer from 1873 until 1890, when that corporation was consolidated with the Boston, Concord and Montreal railroad, forming the Concord & Montreal corporation. He was also a director of the Manchester and Lawrence railroad, and at one time its president. As treasurer of the Concord railroad, the management of its financial affairs was substantially governed and controlled by his advice, and the steady progress and great increase of value of that important railroad property, and its influential position among the corporations of the state was largely due to his conservative and judicious direction.

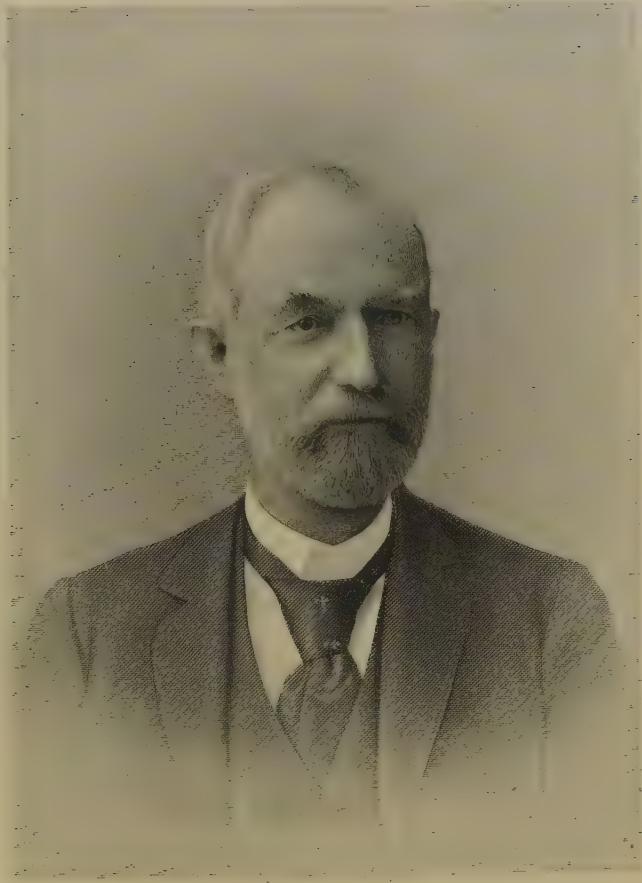


*Nathan Parker.*

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*J. A. Lander*





Mr. Parker was a man of great industry, and gave the closest and most faithful attention to every detail of business. There were elements of earnestness and determination in his character which caused him to follow out and accomplish, however arduous and difficult, every undertaking in which he engaged. He was conservative, cautious and prudent, and no man brought more conscientious and untiring attention to the performance of every duty and discharge of every obligation. He was possessed of an analytical and logical mind, and from long experience acquired the habit of thorough and careful investigation of every subject which he had to consider, and having decided what was right, he possessed great confidence in his own judgment and generally adhered to his own conclusions. He had the peculiar ability which made him efficient to a remarkable degree in financial affairs and seemed to have been born for his chosen avocation of banking. Through his long and active business life he enjoyed the unlimited confidence of his fellow-citizens, and the whole community in which he was so prominently identified with its great business interests. He was a man of the strictest honesty and integrity of character, thoroughly scrupulous and careful in all his dealings, and only required of others that which he was willing to render himself. His advice in matters of investment and securities was sought for, and generally followed, and it would be difficult to estimate the benefits derived by those with whom we had business relations, through his foresight and sound judgment.

Mr. Parker was of a very modest and retiring disposition, and although a staunch republican and in great favor with his party, possessed no desire for political office. He was, however, elected to the Senate of New Hampshire in 1855 and 1856, and could have been president of that body if he had been willing to accept the position. He was elected to the House of Representatives in 1863 and 1864, and was a member of the Governor's Council in 1879 and 1880.

In the early times of Manchester he was one of the first Board of Selectmen, and was prominent in shaping the affairs of the town.

In looking through the history of the city, marking its progress and growth, his influence and personality may be clearly seen, and much of the prosperity and substantial character of our business interests and institutions are directly traceable to his advice and sound financial views.

Mr. Parker married in September, 1837, Miss Charlotte M. Riddle of Merrimack, granddaughter of Captain Isaac Riddle, a wealthy farmer, mill-owner and contractor of Bedford. She died in October, 1859, leaving one son, Walter M. Parker, who is the treasurer of the Manchester Savings Bank, the president of the Manchester National Bank, and a director of the Concord Montreal and Railroad. Mr. Parker's decease occurred May 7th, 1894, at Manchester.



### JAMES NELSON LAUDER.

**A**MONG the men whom the railroad system of New England has developed, few have been more thoroughly trained for the performance of their special duties than James Nelson Lauder, the subject of this sketch. It may be said that no enterprises have served to bring to the surface a greater ability, a broader and keener vision, and a more indomitable courage than those which may be credited to this system. Such traits are especially found among those who, beginning at the bottom, have worked their way upward as their merits became appreciated. James Nelson Lauder was one of these. He was of Scotch parentage, the son of George

and Jean (Laird) Lauder, and was born in Topsham, Vermont, May 29, 1838; several years before that time a large number of people coming from Scotland and settling in Vermont, as farmers, his father and mother being among them.

He attended the public schools of the town and worked on the farm until about fifteen years of age, when, having a strong desire and a determination to acquire a mechanical trade, he left home, going to West Lebanon, N. H., and entered the extensive machine works of A. Latham, which, at that time, were in full operation and prosperous. There he commenced his career in the mechanical and railroad world. After he had served his apprenticeship he went to Concord, N. H., and worked in the shops of the Northern Railroad for a time, going from there to Manchester, N. H., and being employed in the Manchester Locomotive Works, returning to Concord in 1859 to again enter the employ of the Northern Railroad. In the fall of 1862 he went to Altoona, Pa., and was engaged in the shops of the Pennsylvania Railroad, under his uncle, John Laird, at that time master mechanic of that road. Preferring New England for a home, however, he remained in Altoona for a short time only, returning to Concord and to his old place on the Northern road, that being open to him for one year, should he wish to return. During these changes he had become a skilled mechanic in all that pertains to the building of locomotives, and was recognized as such, for, not long after his second return to Concord, he was made foreman of the machine shop, and in 1865 was appointed master mechanic of the Northern Railroad, holding that position until 1881. In that year, when the Concord, and the Boston and Lowell Railroads became united, he was appointed master mechanic of the two roads, but after the decision of the courts, annulling the union, he was appointed superintendent of motive power of the Mexican Central Road, then in process of construction.

On his return to New England, after a year's absence in Mexico, he was appointed superintendent of rolling stock of the Old Colony Railroad, and upon the consolidation of that system with the New York, New Haven and Hartford Railroad, he was made superintendent of motive power of all the lines in the system east of Hartford. This position he held until his death. While superintendent of the motive power of the Old Colony Railroad he designed the engine No. 256, which took the first prize at the World's Fair in Chicago, in 1893.

Mr. Lauder always retained his legal residence in Concord, N. H., and served two years as a member of the New Hampshire House of Representatives, representing Ward 4, of that city. For many years he was connected with the Concord Fire department, and always took a lively interest in its welfare. He joined the force in 1860, was made chief of the department in 1876, and served in that capacity until 1882.

In 1870 Mr. Lauder became connected with the American Master Mechanics' Association, and at once took a leading position in its ranks. As its president, and a member of its most important committees, he rendered to it invaluable service. In the mechanical department of railroads he was recognized as authority, and, besides publishing many valuable papers on railroad service, he was called upon to give lectures, in his special line, before the classes of the Massachusetts Institute of Technology. The *Magazine of Railway Engineering and Mechanics*, in speaking of these addresses, said, that "he had the gift of clear, luminous, logical speech, and that he could think on his legs." He took an active part in securing the use of the "Boston Fund" for the endowment of a scholarship for the sons of railway master-mechanics in the Stevens Institute of Technology.

The same magazine is authority for the statement, that as a designer of locomotives, Mr. Lauder had few peers, and that "his influence in favor of proportions did



*Moody Currier*





much to improve the engines over the whole country." There was a tendency among designers to make boilers too small for the cylinders, and against this tendency he remonstrated, declaring that the "boiler, not the cylinder, is the measure of a locomotive capacity."

He was, at one time, president of the New England Railroad Club, and was held in high esteem by every society where discussions of railroad mechanical subjects were in order. He served as one of the judges of awards in the transportation department of the World's Columbian Exposition, having received that appointment from the commissioners.

Mr. Lauder was the first to die of a family of eleven children, his death taking place in Concord, N. H., August 28th, 1894. He left a widow and one son, George B. Lauder, who is the electrical inspector for the New Hampshire Board of Underwriters.

Aside from his professional attainments, Mr. Lauder was a man of strong convictions, an earnest fighter, and unyielding in his adherence to his principles, but as a friend and companion, genial, liberal, and kind.

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### MOODY CURRIER.

**M**OODY CURRIER, the banker, poet and scholar, was the thirty-eighth governor of New Hampshire and is distinguished alike for his great financial abilities and literary acquirements.

He was born at Boscawen, N. H., April 22, 1806. His youth, like that of many distinguished men, who have achieved wealth and public honors, was passed in the rigorous routine of a New England farm, devoting his evenings and other leisure moments to study. With the aid of a few months at Hopkinton Academy he prepared himself for college and graduated from Dartmouth in the class of 1834, with the honor of delivering the Greek oration. After leaving college, Mr. Currier had a living to earn and so, following the almost invariable custom of those times, he devoted himself to teaching, first at Hopkinton Academy and afterwards at the High School in Lowell, Mass., where, by diligence, he met with remarkable and well deserved success. In this calling he continued for several years, but desiring a more permanent profession and a wider field of action he made choice of the law, as better suited to his tastes and inclinations, and opening into fields of higher and broader activities. Having read the preparatory course with Judge Horace Chase, of Hopkinton, and the Hon. John A. Knowles, of Lowell, during his spare hours while teaching, he was ready to enter at once upon the profession. In the spring of 1841, he removed to Manchester, N. H., was admitted to the bar and soon found himself in a large and profitable business. At that time manufacturing was still in its infancy. No great corporations were to be found along the waters of the Merrimack. The magnificent future of these wonderful industries was scarcely dreamed of. Manchester was a country town of about 3,000 inhabitants; its canals had just been dug; its wheels had just begun to turn, and the outlines of a city of the extent, wealth and population of the Manchester of to-day had not entered into the mind of man. He continued in the practice of law for several years, but the financial possibilities of the young and growing city caused him gradually to abandon his law practice and engage in financial operations. To banking he gave the best years of his life. His success is known of all men who know the history of the Amoskeag banks. He organized and brought to their present high standing four banking

institutions, "The Amoskeag Bank," "The Amoskeag Savings Bank," "The Amoskeag National Bank" and "The People's Savings Bank." He also entered into and managed with unvarying success many other financial enterprises.

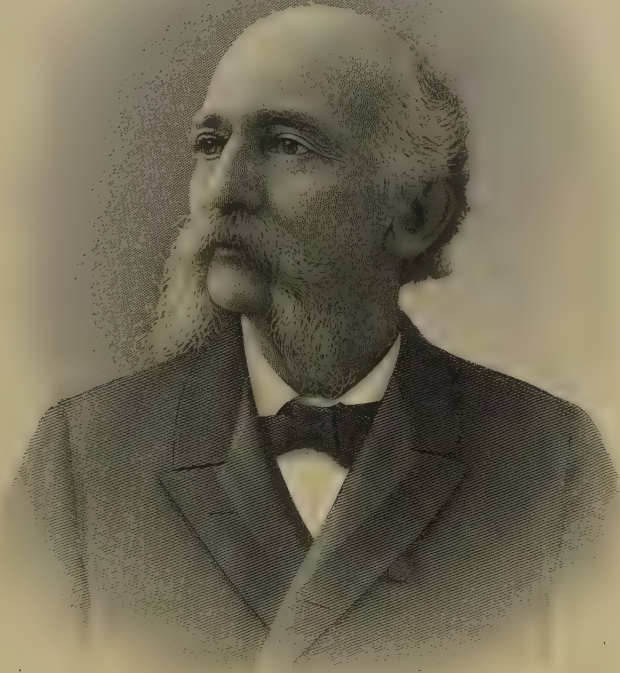
It was only natural, that as a pioneer in making Manchester what it has become, he should seek political preferment. His aspirations in that direction met with abundant success. He soon took rank among the leaders of his party, and was advanced to posts of trusts and honor. In 1843 Mr. Currier was made clerk of the state Senate; in 1856 and 1857 he was a member of that body, and in the latter year was chosen its president. In 1860 and 1861 he was a member of the Governor's Council, and upon him fell the laborious and important work of raising and equipping the troops necessary to fill the state's quota in the War of the Rebellion. This task he performed with great ability and success. In 1884 he was elected Governor of New Hampshire, his inauguration taking place in June of the following year. From June, 1885, to June, 1887, he conducted the affairs of the state with rare ability, both from a business and a social point of view. Although governors find small scope to exercise scholarship or literary acquirements in the writing of messages, vetoes, proclamations, and other formal papers, Governor Currier found occasion to produce various executive writings of rare excellence and propriety. Possessing a style not often found in high office, he has enriched the state archives with evidences of his learning and philosophical expression which are worthy models for cultured men and women. His proclamations were remarkable productions, not only for smoothness of style and elegance of diction, but for their departure from the old ruts in which such papers had usually been written. In one of these, calling the attention of the people to Arbor Day, Governor Currier wrote a message highly poetic in expression and religious in sentiment. It was a model of composition, and as a picture of nature and an expression of her teachings concerning the divinity which surrounds us, it is not excelled by any prose poem in our language. It illustrated and made manifest his early culture, his poetic tastes, his experience of life and the meditations of his maturer years. Mr. Currier has been happy in his poetical recreations, and has published for private circulation a charming book of polished and felicitous verse. He has recently given to the public other single poems of great merit, such as "The Eternal One," "Questions of Life," "The Old Man of the Mountain," and many others, displaying a genius of the highest order and deep meditations of the divine in everything around us.

Mr. Currier is a distinguished scholar. During a long business life, he has found much time to devote to intellectual pursuits. He is well versed in the lore of antiquity, is familiar with the literature of modern times, reads and translates with ease and elegance many of the languages of modern Europe, and keeps up with the progress of the times in the natural sciences and the theological discussions of the day. He has received the honorary degree of LL.D. from Dartmouth College, and also from Bates.

Mr. Currier has been thrice married, but has no children now living. In his own home, with its beautiful surroundings and the advantages of wealth, he is still living and enjoying as the fruits of a well-spent life the leisure and honors he so richly deserves.

Prominent in the interests and the social life of Manchester, the ex-governor and Mrs. Currier are exercising a charming influence on those affairs which best conduce to the welfare of the city and its people.





*Ezra S. Stearns*



## EZRA S. STEARNS.\*

**E**ZRA SCOLLAY STEARNS was born in Rindge, N. H., September 1, 1838, in the line of a sturdy American family whose contributions to the establishment of the New England commonwealths are not yet ended. His ancestors were men of affairs and scholarship, and their achievements are written boldly in the history of the community in which they lived.

As a boy Mr. Stearns enjoyed no special privileges, and suffered no extraordinary privations. His advantages were neither better nor worse than those of his associates, and his school days carried him to the point of preparation for college, though his circumstances prevented him from securing a university training. They did not limit his study, however, and long after the doors of the rural academy had closed upon him as a pupil, he was found plotting his own chart of learning and pursuing the studies and researches which he deemed most necessary for his life work.

From the life of the student he was turned by his natural inclination and developed tastes to a literary career, in which the opportunities of journalism were the first that appeared to him; and he served an apprenticeship that led him to the mastery of the newspaper profession in Fitchburg, where he was the manager and editor of the *Daily Chronicle* and where he entered upon those historical studies which were destined to afford him the most lasting honors of his later life, and which led him easily across the shadowy line which separates the ephemeral from the permanent, finding their first expression in 1876 through the publication of his "History of Rindge." This volume, in character, arrangement and style, has commanded the respect and won the approval of the historical student and the general reader, and has in not a few instances served its purpose as the model town history of New England. Eleven years later, the "History of Ashburnham, Mass.," came from his pen, a work of literary and historic excellence not less in value than the history of Rindge, but lacking the enlivening influence of affectionate regard which the author had written into every line of his narrative of his native town. These noble volumes have established Mr. Stearns in a firm place among New England historians, and easily led the way to academic honors, the appearance of the "History of Ashburnham," being signalized by Dartmouth College in adorning its talented author with the degree of Master of Arts in the class of 1887.

Through these historical labors, also, Mr. Stearns has come to other recognition and has for years been an active member of the New Hampshire Historical Society, a member of the Fitchburg Historical Society, a member and vice-president of the New England Historic-Genealogical Society of Boston, member of the American Antiquarian Society of Worcester, and corresponding member of several state historical societies.

Into the records of public life Mr. Stearn's name and achievements have been permanently written as well. He came to manhood while the Republican party was in its primitive, formative days. As an ardent first voter he thrust himself into the campaign of 1860, and gave his support to Lincoln, the liberator, and identified himself with the great party in whose annals in his own state his name was destined to have a permanent place. Four years later, when but twenty-six years of age, he was sent as Rindge's representative to the General Court, and served again and again and again, always commanding the warmest respect of his colleagues, and occupying

\* By George H. Moses.



commanding positions in the make-up of the committees of the house. During this period of Mr. Stearn's legislative service, arose the most important financial question that has ever entered into the legislation of New Hampshire, relating to the assuming by the state of the debt incurred by the towns and cities in prosecuting the War of the Rebellion. It was a vexed question, in which were involved not only the local and state credit, but even the stability of the entire financial fabric of the commonwealth. Its solution was sought through the appointment of a commission who should ascertain the war expenditures of the several towns and cities in the state.

Mr. Stearns was one of the three members of this commission appointed early in the year 1866. In their report to the legislature, he joined with his associates in a recommendation that the gross expenditures of the several towns should not be assumed by the state. As the only member of the commission, who was a member of the legislature, Mr. Stearns was charged with the chief labor in the debate for securing the adoption of the recommendations of the commission, a contest which was crowned with success, but is memorable as having been warmly contested and fairly won.

Following his fourth term in the legislature, in 1870, Mr. Stearns withdrew from public life so far as it demanded his own occupancy of political positions and devoted himself to the fruitful literary and historical studies outlined above. The comparative leisure which followed the completion of the "*History of Ashburnham*" in 1886 afforded the opportunity for his constituents again to pay him political honor; and in the fall of that year he was elected a member of the state Senate from the Cheshire district, serving with such distinguished credit through the long and famous session of 1887 that he was awarded the unusual honor of a re-election in the following campaign. Two years later he was sent again to his old seat in the House of Representatives, and from this place, in 1891, he was taken by his colleagues and chosen secretary of state to succeed the late Hon. A. B. Thompson. This place he still fills through repeated successive and unanimous re-elections.

The exacting duties of this position have found in Mr. Stearns a most efficient officer. With multiplied powers and responsibilities he has grown in capacity and worth. Too deeply engrossed to devote continuous effort to the literary and historical work in which he delights and in which he has delighted so many, he has found time, nevertheless, to publish several historical addresses and brochures of remarkable felicity of expression, wealth of historic knowledge and enduring literary value. His oration at the dedication of the monument to John Fitch, founder of Fitchburg, Mass., delivered July 4, 1895, ranks as a literary, historical and forensic gem. In felicity of style, in tenderness of expression, in accuracy of statement, it is the peer of any similar production anywhere, and an added pleasure is derived from its perusal in the knowledge that the author stands in the fourth generation from the brave and hardy pioneer whose virtues he not only recounts, but has inherited. As the orator of the occasion upon the dedication of the Ingalls Library at Rindge, N. H., in 1896, Mr. Stearns again produced a masterpiece—polished, scholarly, eloquent and effective; while his oration on Mesheck Weare, delivered at the annual meeting of the New Hampshire Sons of the Revolution the preceding year, is an epitome of Revolutionary history and an epic of biography.

The record of his public positions, however, do not alone discover the extent of his political influence. For more than thirty years he has been a trusted counselor of the political party to which he has adhered. Alert and sagacious, he has turned every opportunity of statecraft to account, yet always maintaining absolute rectitude in all political affairs. His advancement in office has not kept full pace with his

deserts, and his continuance in the place which he now adorns is small return for what he gave without expectation of reward.

Aside from its suggestiveness of power, this brief outline of a busy and honorable life affords little to differentiate the man who has lived it, and the task of characterizing him defies depiction. The subtle charm of his personality pervades all his daily relations with men and events, enhances the wealth of his scholarship, multiplies his value as a public officer, and stamps itself upon even the least of his duties. His alert mental powers do not yield readily to description, his culture is too broad for condensed delineation; yet they all combine to form a type of self-centred manhood, poised for instant action amid all circumstances, and yielding no field until success has crowned effort or effort has been exhausted.

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### CHARLES ELLIOTT TILTON.

**T**HE name of Tilton has been prominently identified with the history of New Hampshire from a time antedating the War of the Revolution, and from Deacon Nathaniel Tilton to the present, those bearing this name have been men of unusual sagacity, solid sense, and self-reliance. Prominent among these, and who is reckoned as one of New Hampshire's most honored and distinguished citizens, is Charles E. Tilton, who was born at Sanbornton, September 14, 1827. He was educated at the common schools, and also under the instruction of Prof. Dyer H. Sanborn, and subsequently entered a military school at Norwich, Vt., where he remained three years. Having, to some extent, a taste for the military, on the declaration of war with Mexico, he was offered a captain's commission by Colonel Ransom, which he was anxious to accept, but his father, not being in sympathy with young Tilton's entering military service, he declined the honor. He soon after went to New York City, and entered the employ of his brother Alfred, a well-known and successful merchant. Naturally, of a progressive and ambitious temperament, his position in New York, although most favorable, and with excellent prospects of promotion, did not fill the measure of his ambition, and he cut loose from all prospective advantages, and visited nearly all of the inhabited West India Islands, with a view to future business. He prospected the Amazon and Oronoco rivers to their head waters, in canoes, aided by native Indian guides, visiting localities seldom, if ever, seen by white men. Subsequently he went to Caracas and La Guayra, overland from the interior, thence to Maracaybo, St. Martha, Carthagena; Chagres, and Panama. While at Panama the excitement of the gold discoveries in California was at its highest pitch, and he determined to join the vast army of resolute adventurers to the gold fields of the Pacific slope. This desire resulted in the realization of his youthful dream of fortune. He arrived in California in the spring of 1850, and so great was the influx of gold hunters, his clear and discerning mind at once came to the conclusion that the more sure road to success and fortune lay in merchandising rather than a recourse to the mines.

In 1850 he went to Oregon, and believing in the future of that section of the country sent for his boyhood friend, W. S. Ladd, who was engaged as railroad station agent at Tilton, and induced him to go out. On his arrival the following year they formed a copartnership in general merchandising, which business was conducted with marked success until 1859. At the time of war between Russia and the allied powers, England, France, Sardinia and Turkey, he forwarded cargoes of merchandise to the Amour River, in Russia, all of which was successfully done. He

also established a mercantile house at Tahiti Society Islands. He was one of the principal movers in establishing a line of vessels between Oregon and China. One of these, the "C. E. Tilton," made the quickest passage on record from New York to Oregon. This vessel was subsequently sold to the Japanese government and converted into a man of war and was finally sunk in an encounter with the United States ship, "Powhattan." In 1859 the banking house of Ladd & Tilton at Portland was organized, Mr. Tilton remaining a partner in this institution until his retirement in 1880, a period of twenty-one years. During all this time Mr. Tilton was also a chief promoter in many other large enterprises on the Pacific coast and frontier. He was interested in the navigation of the Columbia and Willamette rivers and was also one of five who controlled what is now known as the Oregon Railway and Navigation Company with a capital of \$24,000,000. He was interested in the banking firm of Ladd & Bush at Salem, in the First National Bank at Portland and First National Bank of Walla Walla in the state of Washington, at that time a territory. He gave much time to the study of the problem of transportation across the plain, and fully understood the requirements for merchandise in Utah, Montana, Wyoming and Colorado. He furnished and dispatched large trains from San Bernardino, California, to Utah, and from St. Joseph, Mo., to Colorado, and from thence to Montana, giving to these various enterprises his personal attention, which in those early days required a vast amount of pluck and energy, as the country was largely held by hostile Indians and desperate encounters frequently occurred.

With that keen foresight that has ever marked his career, during this time he became thoroughly convinced what the great west would eventually become, and he purchased land in all the territories, which investments proved highly advantageous. There were few enterprises or improvements connected with the growth and development of the Pacific slope, whether pertaining to its finances, internal improvements or its foreign and domestic commerce, in which the cool and sagacious subject of this sketch was not a participator. In the year 1880, having amassed a fortune, although in the prime of life, he practically retired from the active management of the various interests with which he had been connected, and made a trip to Africa. In that country he sees a great future, but not sufficient to induce him to undertake any enterprise at his time of life. While absent he visited nearly all the principal cities in Europe, then returning to his native town, began a series of improvements, which have made his name and the town of Tilton well known throughout New England. The keen foresight and open-handed generosity that marked his career on the Pacific slope was prominently brought out in New Hampshire, and every movement in the town of Tilton, tending to advance its welfare or beautify the place, found in him its chief supporter. In fact, to Mr. Tilton the town of Tilton is indebted for the most of its improvements, public buildings, etc. He spends the summer at his elegant summer home in Tilton, and the winter amid the scenes of his early triumphs and successes on the Pacific slope. His summer home at Tilton is magnificent within, and its spacious lawn is adorned with statuary in marble and bronze. Wherever one turns in Tilton, may be seen evidences of the generosity and public spirit of Mr. Tilton. Fountains, a shady park, a town hall, cemetery improvements, iron bridges, passenger depot, the fair grounds of the New Hampshire State Grange, the New Hampshire Conference Seminary and the Soldiers' Home attest his public spirit, kindly nature and generous heart. He was prominently identified with the Concord and Montreal Railroad, and was chiefly instrumental in building the Tilton and Belmont and Franklin and Tilton Railroads.

While interested in extensive internal improvements and the beautifying of





*C. E. Tilton.*



his town, he has ever regarded with interest the various perplexities encountered by his progenitor in the early settlement of this locality, and in 1882 he erected a memorial arch of Tilton as a monument commemorative of the family name. This monument is unique as a work of art, and is as famous in New Hampshire as the gilded dome of the state house in Boston is to New England. Although not exactly a fac-simile of the arch of Titus, as it does not bear the profuse carvings of that ancient monument, it is in many respects similar. It is fifty-five feet high and forty feet wide. It required two years in its construction, and is built in the most complete and thorough manner. It is located on a hill one hundred and fifty feet above the river. A polished device in Scotch granite, on which a Numidian lion is reclining, the whole weighing fifty tons, rests between the two columns of the arch, bearing this inscription,

"TILTON, 1883."

At each end of the keystone in raised letters are the words,

"MEMORIAL ARCH OF TILTON, 1882."

At his elegant summer home, overlooking the beautiful village which bears his name, the warmest welcome is extended and the largest hospitality dispensed to his life-long friends and acquaintances. Here he has entertained many distinguished men of our country, notably, Generals Sherman and Sheridan, both of whom he knew in their boyhood days.

Mr. Tilton has ever possessed marked evidence of personal popularity, his sympathies being with the people, and his cordial and unpretentious bearing at all times indicate his true character.

## JOHN McDUFFEE.

**J**OHN McDUFFEE and his wife, Martha, belonged to that band of Scotch-Irish which endured the siege of Londonderry. They had four sons, Mansfield, Archibald, John and Daniel. Mansfield went to London, England; the other three came, with their parents, to America, in the emigration which gave New Hampshire the powerful stock of Derry and Londonderry. John, the father of these sons, settled in Rochester in 1729, on land on the east side of the Cochecho river, adjoining Gonic Lower Falls—the farm of eighty-five acres remaining without break in the family. The Rochester settler was, as just stated, the father of Capt. Daniel McDuffee, and also of Col. John McDuffee, a gallant officer in the old French and Revolutionary Wars, lieutenant-colonel in Colonel Poor's regiment—who, never marrying, adopted his brother Daniel's son, John, and eventually made him his heir. John McDuffee, the colonel's heir, a farmer in good circumstances, married Abigail, daughter of Simon and Sarah (Ham) Torr, and was father of John McDuffee, the subject of this sketch, who was born on the farm once the colonel's, about a mile and a half from Rochester village, on the Dover road, December 6, 1803.

Of course, while working on the farm more or less, he had, for five or more years, the advantage of a good school, kept at the village by "Master" Henry H. Orne (D. C. 1812), of severe discipline and good scholarship, who supplemented the public school with a private one each autumn. Mr. Orne was a very successful teacher, and among the associates of John McDuffee in this school were Thomas C. Upham, Nathaniel G. Upham, John P. Hale and Noah Tebbets. In 1818, at the



age of fifteen, the boy entered Franklin Academy, in Dover, the first day of its existence, Thomas E. Sawyer and Richard Kimball being among his associates, and Rev. Mr. Thayer being its principal. Here he fitted to enter college as sophomore, but returned home, and, at the age of eighteen, went into the store of his uncle, John Greenfield, at Rochester. It was a large country store, where everything was sold. After two years' experience, being only twenty years of age, he began the same business for himself on the same square; was successful, and, after two years, took into partnership his uncle, Jonathan H. Torr. During this period he was commissioned postmaster of Rochester, being not of age when appointed, and held the office until removed on Jackson's accession to the presidency.

In the spring of 1831 he went to Dover and began the same business on a broader scale, first in the "Perkins block," and in the autumn, as the first tenant of the northern store in the new "Watson block," on the Landing, Ira Christie being his next southern neighbor. This locality, now at an end for such purposes, was then the place of business and offices. Steady success continued to reward his energy and industry; but in February, 1833, selling to Andrew Pierce, Jr., he returned to Rochester to settle the large estate of his wife's father, Joseph Hanson, who, dying in December previous, had made him executor. Mr. Hanson, whose daughter, Joanna (by his marriage with Charity Dame) Mr. McDuffee had married June 21, 1829, was one of the three old and wealthy merchants of Rochester, Nathaniel Upham and Jonas C. March being the other two. The settlement of this extended estate and business was completed, and the accounts were settled by Mr. McDuffee's energy in seven months; and it caused his entire abandonment of trade, although he had been eminently successful.

There was no bank in Rochester. Old traders had some connection with the Strafford Bank in Dover, and the Rockingham Bank in Portsmouth. They loaned money instead of getting discounts. Mr. Hanson's safe, where he kept all his securities, was a small brick building back of his store, with a sheet-iron door fastened by a padlock. He kept some deposits, however, in the Strafford Bank, and was a stockholder in that and in the Rockingham Bank. The three principal traders used to go to Boston twice a year on horseback to buy goods. Mr. McDuffee saw that a bank was needed. He prepared the plans, secured signatures, obtained a charter from the legislature in 1834, and the Rochester Bank was organized with ninety stockholders and a capital of \$100,000, later increased to \$120,000, with one hundred and thirty stockholders. On the organization he became cashier, his brother-in-law, Dr. James Farrington, being president. This bank was the frontier bank, no other existing between Rochester and Canada. It was a favorite of the people, and was so managed that its dividends were eight or nine per cent. It is well known that the business was really left to the probity and skill of its cashier. Cashier for twenty years, on the then renewal of its charter, Mr. McDuffee resigned the cashiership in favor of his son Franklin, and became president. The bank did not become a national bank until 1874, and in the six years previous he and his son formed the house of "John McDuffee & Co., private bankers," took up the old bank's business, and successfully carried it on. In 1874 they merged it in a national bank, the one being president and the other cashier, as before, and the two taking two-fifths of its stock.

In addition to this Rochester interest, Mr. McDuffee was one of the original grantees of the Dover National Bank, and for a short time was a director; but his interest became more in the Strafford Bank at Dover; of which, under its new charter, he was the second heaviest stockholder, Daniel M. Christie being the first.



*John W. Drayton*





He became a director in the Strafford National Bank in 1870, and held that position up to the time of his death.

The Norway Plains Savings Bank, at Rochester, was chartered in 1851, and Mr. McDuffee became its treasurer, being succeeded by his son Franklin, in 1867, and himself becoming president. It is worth recalling that, although this bank was ordered in the panic to pay out only five-sixths of any deposit, it subsequently petitioned for leave to pay, and did credit to every person affected, the remaining sixth.

Mr. McDuffee early saw the advantages of manufacturing to a community. By his own means and a liberal allowance of banking facilities, he has greatly aided their development, the first such enterprise in Rochester, the Mechanics' Manufacturing Company, being decided to locate there by the new banking facilities. Mr. McDuffee was a director. Its business was the manufacture of blankets, and its successor is the Norway Plains Manufacturing Company. The original company Mr. McDuffee carried safely through the crisis of 1837. The mill property at Gonic Mr. McDuffee bought in 1845, to lease to N. V. Whitehouse, that business might not be given up. He held the purchase for about ten years. The effort was successful, and the property was eventually taken by a joint stock company. Stephen Shorey, owning some facilities for manufacturing at East Rochester, came to Mr. McDuffee to see if the bank would advance means to build. Mr. McDuffee at once pledged the means, and the mills were built. A stock company afterwards purchased mills and machinery, and the thriving village of East Rochester owes its prosperity to Mr. McDuffee's liberal policy. Thus have been developed the three principal water-powers of Rochester.

Mr. McDuffee's personal interests in manufacturing were also in the Great Falls Manufacturing Company, in whose extensive business he was a director for four years; capital, \$1,500,000. In 1862 he bought large interests in the Cocheco Manufacturing Company at Dover, and from 1874 to his death was a director of that corporation. As such he advocated the erection of the great mill, now No 1, and the replacing of all the old buildings by new and magnificent mills, unsurpassed in the United States.

The need of railroad facilities at Rochester was early apparent to Mr. McDuffee. In 1846 he entered into two enterprises—the Cocheco road, from Dover to Alton Bay, and the Conway road, from Great Falls to Conway—each of which passed through Rochester. In each road Mr. McDuffee was the largest individual stockholder, and of each was the first treasurer. When the Conway road reached Rochester Mr. McDuffee resigned its treasurership. The other road, after various difficulties, became the Dover and Winnepesaukee, by the incorporation of the bondholders, and Mr. McDuffee continued to be a director. With "Friend" William Hill he visited Boston more than thirty times to treat for the lease of this road to the Boston and Maine. The effort was finally successful, and the road, by itself weak, became a fine piece of property. Rochester was thus doubly accommodated; but another avenue was needed, and Mr. McDuffee took part in the Portland and Rochester, which secured a route eastward, of which road he was a director; and he invested liberally in the Rochester and Nashua, which opened a line to the west. The result has been that Rochester is a "billing-point," and its various manufacturing interests have felt its impetus.

The beauty of McDuffee block, in Rochester, built by him in 1868, exhibits the owner's public spirit. It is an elegant brick building of four stories, containing six stores, twelve offices in the second story, a large room used for manufacturing purposes in the third, and a Masonic hall, one of the finest in the state, in the fourth.

As a Mason, he joined Humane Lodge on the very day he became "of lawful age." Just sixty years later, December 6, 1884, the brethren gave him a commemorative reception in Masonic Hall. Interesting reminiscences, congratulatory addresses, appropriate songs and a supper occupied the evening.

In religion Mr. McDuffee was brought up under good old Parson Joseph Haven, and remained a liberal supporter of the Congregational society. In politics he was an earnest Whig. His first vote was for the electors who chose John Quincy Adams president, and his postmastership was ended by Andrew Jackson. After the organization of the Republican party he was always one of its supporters.

Mr. McDuffee's great amount of labor was made possible only by the vigorous constitution which he inherited. The boy who, before he left home, "carried the forward swath" in the hayfield, made the man who later accomplished an amount of work which would surprise many younger men.

Feeling the need of some relaxation from business, in the winter of 1885 he visited the Pacific coast, and spent two months in California. In the autumn of the same year he represented his native town in the legislature, was chairman of the committee on banks, on whose recommendation many bank laws were enacted for the interest and protection of the savings banks and their depositors.

Judged by the success of his work as a banker, as developing by a liberal and wise help every worthy manufacturing enterprise, and as foremost in the building of the various railways centering in Rochester, it is clear that Mr. McDuffee nobly comes into the list of those whose record is in the prosperity of his native town, where ability, sagacity, integrity and kindness have united to make that record, as well as his own personal success.

Mr. McDuffee died early in December, 1890, leaving a large estate. Less than a fortnight before his death he was able to attend regularly and faithfully to his business duties and was the oldest banker in continuous service in the state, if not in the country.

Of Mr. McDuffee's happy domestic relations nothing need be said. Of his eight children,—naming them in the order of their birth:—

Joseph Hanson McDuffee, who followed the sea, remained single, and was drowned off the Isles of Shoals, Aug. 29, 1865, at the age of thirty-five.

Franklin McDuffee (see memoir following).

The third son of John McDuffee was John Randolph McDuffee, born in Rochester September 5, 1834, who graduated from the Chandler Scientific School at Dartmouth College in 1857, and opened an office in Rochester as civil engineer. In 1858 he went with his brother Franklin on a voyage to Europe, and on his return immediately fell into a decline, and died May 14, 1859.

Anna M. McDuffee, the fourth child of John McDuffee, married Frank S. Brown, of the firm of Brown, Thompson & Co., Hartford, Conn., and has one son and two daughters.

Mary Abbie McDuffee, the fifth child, married, first, L. Freeman Whitehouse, and, second, Charles K. Chase, and survives him with one daughter.

Sarah Frances McDuffee, the sixth child, died unmarried at the age of thirty-three. She was of sensible, well-balanced mind, quiet and unobtrusive in manner, affectionate and self-sacrificing among her friends, and exceptionally lovely in her whole character.

George McDuffee, the seventh child, has been engaged in extensive grain, lumber and furniture business in Rochester. He married, first, Lizzie Hanson, who



*Frank McDuffee.*





died leaving a son ; second, Nellie, daughter of Dr. James Farrington, of Rochester, her father being nephew of Dr. James Farrington, M. C.

Oliver McDuffee, the eighth child, died in infancy.

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### FRANKLIN McDUFFEE.

**F**RANKLIN McDUFFEE was born at Dover, Aug. 27, 1832. When six months old he removed with his parents to Rochester. He entered Gilmanton Academy at the age of twelve years, and graduated with honor at Dartmouth College in 1853. He read law six months with Hon. Daniel M. Christie of Dover, and in May, 1854, accepted the position of cashier in the Rochester State Bank. In 1857 he went on a foot trip to the White Mountains. Owing to the wrong directions of a guide, he was lost in the forest a night and a day, almost perishing from cold and exhaustion. The first house reached was that of Dr. Bemis, then absent. Acting under strict orders to admit no one, the family utterly refused to furnish him food or shelter, so that he was compelled to go six miles further, to the Notch House, before obtaining relief. This exposure weakened his constitution, impaired his hearing, and was doubtless the remote cause of his death. In 1858 his health was greatly improved by a voyage to Europe. He applied for passage home on the ill-fated "Austria," which was burned with all her passengers, but failing to secure a satisfactory berth he escaped. Dec. 4, 1861, he married Miss Mary F. Hayes, of Rochester. Their children are : 1. John Edgar, who was for two years a member of the class of 1883 in the Chandler Scientific Department of Dartmouth, which institution he was obliged to leave on account of ill health. Later he adopted music as a profession, in which art from his early boyhood he manifested a decided interest.

As pianist, teacher and organist he is widely known, and throughout the state his name is familiar to musicians. His influence in musical matters has always been exerted to the utmost for the upbuilding of a true taste for what is highest and best in the art. Mr. McDuffee's musical ambition, however, has long been for something more than even such achievements, and for some years he has done more or less work as a composer. His songs and piano-forte compositions, several of which have been published, have had large sales.

Mr. McDuffee has been from the first one of the most active members of the New Hampshire Music Teachers' Association, which holds its annual festivals at the Weirs, and is at present its secretary and a member of the board of three managers.

The second son of Franklin McDuffee is Willis, who graduated from Dartmouth College in the class of 1890, later traveled extensively in Europe with his mother and brother, and in October, 1891, purchased an interest in the *Rochester Courier*, of which paper he has since been the editor. He has also been engaged in other literary work, has been a member of the school board in his city for three years, and was chosen in 1894 a representative to the legislature, being one of the youngest members of that body.

Franklin McDuffee was appointed treasurer of the Norway Plains Savings Bank in 1866. Two years later he joined his father in establishing a private banking institution as above mentioned. He was initiated in Humane Lodge of Free and Accepted Masons, December 9, 1856. The next year he was chosen secretary, and after filling other offices was Master of the Lodge in 1863-64. In 1866-67 he officiated as District Deputy of the Grand Lodge of New Hampshire. He served the town as selectman, and for many years as superintending school committee. He was a

member of the state legislature of 1862, and the Constitutional Convention of 1876. He joined the Congregational Church in 1868, and four years after was chosen deacon, which office he held through the rest of his life. After a sickness of a few weeks he died at Rochester November 11, 1880.

The character of Franklin McDuffee was one of rare excellence, blending many valuable traits. As a lad he was studious, thoughtful, kind and mature beyond his years. He was well fitted for college at the age of sixteen, but delayed entering till a year later. He was thorough and exact in his studies and ranked high at graduation. One of his instructors writes: "I remember Mr. McDuffee well, as a thoughtful and exemplary student, deserving and receiving the esteem of his instructors and associates. It was always a pleasure to me to see him in the class-room." Another writes: "I recall him as a good scholar, industrious, faithful and honest, but very modest and retiring." Highly esteemed by all his classmates, he had but few intimates, but those few were deeply attached to him, and the ties then formed were never broken. He always loved his Alma Mater, and when, unsought by himself, his name was prominently mentioned in alumni circles as a candidate to fill a vacancy in the board of trustees, he remarked to a friend that he should regard such an appointment a greater honor than to be governor of New Hampshire. He took deep interest in national affairs and had a clear understanding of political issues. He was no managing politician, but simply from force of character he was a leader in his party. Men irrespective of party recognized his leadership in affairs of public interest. He did not win men by flattery, nor by neutrality on important questions. All knew him for a staunch Republican, an unflinching friend of temperance and good order. He had decision, energy, and sturdy pluck, without malice or bitterness, so that even his opponents respected his conscientious integrity. He was not unfrequently able to carry a vote against a current already strongly set the other way, simply by his strong, honest, clear way of stating the case. Men always listened when he rose to speak, knowing his words would be sincere and to the point. He never attempted to speak when he had nothing to say. He studied no graces of oratory. He indulged in no flowers of rhetoric. He drove like a rifle-ball straight for the mark, which he never failed to hit. Hence he was recognized as one of the best and most entertaining lecturers in Strafford county. He took a deep interest in education, and was zealous and untiring in efforts to elevate the schools of Rochester. To no one more than to him the high school owes its standing and success.

From his well-known ability and interest in historical research he was elected a member of the New Hampshire Historical Society. In 1865 he began a series of historical sketches in the *Rochester Courier*, which were models of simplicity, conciseness, and accuracy. It was his intention to rewrite and enlarge these sketches into a complete history of Rochester, but his premature death left the work unfinished. He had, however, collected with great labor much material for this purpose, and the work was completed by Rev. Silvanus Hayward, of Globe Village, Mass., and published by the family.

Mr. McDuffee's mind was essentially mathematical, with keen powers of analytic thought. Flowers of rhetoric could not cover false logic from his eyes, which detected shams at a glance. His power of methodical analysis was well illustrated in his mountain adventure. When he found that he was lost, he realized not only the danger from unseen precipices, but that the attempt to go on would certainly add to his perplexity. Having no means of kindling a fire, he could ward off a fatal chill only by continued exercise. He therefore choose a level spot between two trees and paced back and forth from one tree to the other all night. While thus walking he





*Daniel Halder*



went over in careful thought the whole day's journey, studying step by step to find his error. In this way he came to a definite conclusion as to just where he had left the true road, and just what course to pursue in the morning. The theory proved true in every particular, and brought him out in safety. This quality of mind turned to mechanics might have made him distinguished as an inventor. In 1876 he invented and patented a valuable "improvement in combination and chronometer locks," which he sold to a lock manufacturing company for \$500. This invention secures two principal advantages: First, that any accidental stopping of the clock-work will not prevent the opening of the lock. Second, that it can be opened between the hours for which it is set, only by assembling too many persons for a burglar's safety. His methodical mind fitted him especially for business, in which he was a model of diligence, exactness, and integrity.

Quick in sympathy, he was nobly generous in every worthy cause. The poor were among his sincerest mourners. Unostentatious in his gifts, many a needy one was relieved, only suspecting whence the favor came.

His firm and generous character was beautified and crowned by the graces of a Christian life. His religion, like every other part of his character, was genuine. No affected holiness, no pious drivell marred its excellent simplicity. Shrinking and sensitive, his religion avoided all boastful display. It was, nevertheless, all-pervading, shining in and through his life, leaving a light behind to still guide others to the heavenward path. He was long distrustful and doubting in regard to his own experience, but when he once decided to identify himself with the church of Christ it was a transaction forever. His daily life exemplified the truths he believed. He was emphatically a pillar in the church, an active supporter of every good, a model church officer, the friend and helper of every pastor. One pastor says: "That noble man of God, Frank McDuffee. He was the prince of deacons. We are all better for having known him."

His death was a severe loss, not only to family and church, but to town and state as well. Few worthier or more valuable men ever claimed the Granite State for their home than Deacon Franklin McDuffee.

"The memory of the just is blessed."

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### DANIEL HOLDEN.

**D**ANIEL HOLDEN was born in Billerica, Mass., April 20, 1809, and is the fifth of eight children of Asa and Nancy (Wyman) Holden, and a lineal descendant of Richard Holden, the Puritan, who came with his brother, Justinian, from Ipswich, England, to Watertown, Mass., in 1634. Asa Holden was a shoemaker, and also carried on a small farm. Having a large family of boys, he bound several of them out to service, as was the general custom in those days. At the age of nine, young Daniel entered the family of Dr. Sylvanus Plympton, of Woburn, Mass., it having been agreed that he should remain until he was eighteen. Dissatisfied with his treatment, he ran away to his home when thirteen, and, with characteristic decision and energy, refused to return to the employ of the doctor.

Until he left home, he attended the public schools of his native town with regularity, but after that time he was only allowed to attend during the winter term. At thirteen, his education, so far as schools were concerned, was finished. He was employed for several years by various farmers in his native town. When twenty



years old he left Billerica and obtained work in the flannel mill of H. G. Howe, of Tewksbury, with the view of earning sufficient money to enable him to enter upon an agricultural life on his own account. He was first employed at eight dollars per month with board, and later at twelve dollars per month, his wages having been raised (without solicitation on his part) on account of his faithfulness and industry. He soon obtained a complete knowledge of the processes of flannel manufacture, and at the end of three years, when only twenty-three, he engaged to run the mill of his employer by contract. In 1837, at the age of twenty-eight, he was appointed superintendent of the Chelmsford Company in that part of Lowell, which was then Dracut. At this time he had abandoned his plan of becoming a farmer, and he remained with the Chelmsford Company until 1847. In that year he removed to West Concord, N. H., and in company with his older brother, Benjamin F. Holden, began the manufacture of woolen goods. His brother died November 29, 1874, up to which time the partnership continued. After the death of Benjamin F. Holden a corporation was formed, under the name of the Concord Manufacturing Company, of which Daniel Holden became treasurer and agent.

While in partnership with his brother in carrying on the mills in Concord, he accepted in 1853 the position of superintendent of the Saxonville Mills in Framingham, Mass., and held that position three years. In 1856 he returned to Concord, and resumed his position in the partnership with his brother, which had not been severed by his absence. The product of the mills operated by the brothers and by the Concord Manufacturing Company, which in the earlier years consisted of all grades of blankets and various styles of flannels and hosiery, has for the last twenty years been confined to a variety of all-wool flannels and men's-wear woolens.

Mr. Holden has, during his long business life, devoted his time and energies almost exclusively to his business, having rarely permitted himself to be drawn into the vortex of public affairs. As a citizen of Concord, however, he has felt it his duty, when called upon, to serve the city, and was an alderman in 1874 and a member of the Legislature of New Hampshire in 1865-66 and 1875.

Mr. Holden married, first, in 1834, Sarah Haynes, who died in 1843 leaving four children, and second, in 1844, Roxanna Haynes, who has had seven children. The two wives were sisters, and daughters of Reuben Haynes of Sudbury, Mass. Mr. Holden has seven children now living, viz.: two daughters, Lucy L. and Ella R., of West Concord, and five sons: Wyman W., of Stockbridge, Vt.; Farwell P., of Penacook, N. H.; Edward D., of the Stirling Mills, Lowell, Mass., and Paul R. and Adam P., of West Concord.

An intense desire for knowledge has made Mr. Holden a constant and industrious reader from his boyhood even to his present age, and this combined with travel has in great measure made good the lack of schooling which he missed in his early days. His career affords an illustration of the success in life secured by men who, with limited educational advantages in youth, have attained to honorable positions in the community.

The management of the mills, one of which is located at Penacook, and the other at West Concord, N. H., is in the hands of his sons, and at the age of eighty-seven (1897) Mr. Holden is living in retirement from active business, enjoying the comfort and peace which are the rewards of a life of honorable industry.



*Eng<sup>d</sup> by A.H. Ritchie.*

*S C Forsaith*





## SAMUEL CALDWELL FORSAITH.

**A**MONG the leading citizens of Manchester, who aided largely in the development of the material interests of the city, and who through a long, active and successful business career kept his integrity of character untouched by whisper or reflection, was the late Samuel C. Forsaith, the founder of the Forsaith Machine Company.

He was the son of Robert Forsaith and Elizabeth (Caldwell) Forsaith and was born in Goffstown, N. H., September 29, 1827. His boyhood was passed in his native town, assisting his father in agricultural work and attending the district schools. While the educational advantages, afforded by the district schools of that day, were to a certain extent limited, nevertheless he succeeded in securing here an education, which greatly aided him in his subsequent successful business career. The mechanical genius, which in later life contributed largely to his success, was manifest at an early age. He was quick to comprehend the intricacies of machinery, and at the age of eleven years had constructed and set up on the bank of the river near his home a miniature saw mill, complete in all its appointments, and in perfect running order. At the age of seventeen, he left Goffstown and located in Manchester, then a town of about 5,000 inhabitants, where he entered the machine shop of the old Amoskeag Mill as an apprentice. Later he was employed in the Stark Mills, and in September, 1850, removed to Milford, N. H., where he took charge of the machine repair shops connected with the cotton mills at that place. He remained in Milford eight years, then went to Biddeford, Maine, as foreman of the Saco Water Power Machine Company. After remaining with this company two years, feeling that he had thoroughly demonstrated, not only to himself, but to those with whom he had been associated, that he had unusual ability in the mechanical line, he determined to establish a business of his own.

Returning to Manchester, he hired an upper room in the shop of the Manchester Scale Works, and, with that indomitable will which subsequently contributed so largely to his success, the new business was started, with practically no capital. His energy, honesty and determination to succeed soon attracted the attention of his fellow-citizens, and, during the second year he secured a vacant shop adjoining the scale works to accommodate his increasing business. About this time a machine had been patented for folding newspapers, and, although a patent had been secured, the machine was of no practical utility, because it could not be made to work by its original owners. Mr. Forsaith saw that the design was practical, and, with his great mechanical skill, he soon succeeded in successfully perfecting it, and very soon thereafter it was generally adopted by newspaper offices in the leading cities. In addition to the manufacture of the folders, he added the building of circular-saw mills, shafting, mill-gearings, water-wheels, etc. His business had increased to such an extent that in 1863 he took a lease of the entire scale works, and enlarged his working force. In 1867, to accommodate a rapidly-increasing business, a new shop was built, which is now the main building of the large plant, which covers a large area, and is justly considered one of the representative manufacturing industries of New Hampshire. Mr. Forsaith continued the business as sole proprietor until 1872, when Mr. William E. Drew was admitted as a partner. In May, 1884, the business had become so extensive, and the care and responsibility so great, that it was decided to

organize this great industry into a stock company, under the general laws of New Hampshire. It was organized with a capital of \$275,000, the officers being as follows: D. P. Varney, president; S. C. Forsaith, treasurer; Wm. E. Drew, agent.

Mr. Forsaith's life in Manchester covers the most important period of the city's growth, whose population had increased from a small business centre of 5,000 to over 50,000 and had become the metropolis of the state, and one of the leading manufacturing and financial centres of New England. Notwithstanding the demands made upon him by the management of his large business interests, he took an active interest in the affairs of the city, and all measures tending to advance the welfare of Manchester found in him an earnest and able supporter.

Politically Mr. Forsaith was a Democrat and an earnest advocate of the principles of that party. He was prominently identified with the Masonic fraternity, was also an Odd Fellow and an officer in the Amoskeag Veterans.

February 20, 1848, he united in marriage with Nancy W. Pierce, and their family consisted of the following: Frank P., George B. and William. Mrs. Forsaith died April 21, 1871, and on December 23, 1875, Mr. Forsaith married Clara J., daughter of Col. J. C. and Clara J. Smith, and their family consists of Samuel C., Jr., born December 16, 1876, Clarence S., February 19, 1878, and Darwin J., October 19, 1880.

While returning from the World's Fair at New Orleans, he was stricken with apoplexy and died at the Jefferson Medical College in Philadelphia, March 23, 1885.

As a type of manhood of the sterling New England quality, in its triple union of moral, mental and physical worth, Samuel C. Forsaith would have been a marked man in any community. Decision of character, tact and sagacity were indicated in every line of his strong, earnest face, completing the picture of a man born to achieve success in business, and command the confidence and respect of his associates. He succeeded by virtue of his native instincts of thrift, perseverance, and habits of industry. He did not covet financial station, but quietly mastered the principles and details of his large business, and advanced by the force of personal merit to a station of large business responsibility, and always proved equal to the demands which were made upon him. His mind naturally and easily grasped the reason of things, and hence he was thoroughly practical in his work and affairs. In an age distinguished for mechanical skill and the application of force to the development of material resources, men of the quality of Mr. Forsaith are absolutely indispensable. He died as he had lived, one of the leading and progressive manufacturers of New Hampshire, and one of Manchester's most highly esteemed and honored citizens.



### WILLIAM SHEPARD STEVENS.

**M**R. STEVENS is descended from Otho Stevens and wife, Mary, of Hampstead, N. H. Their son, Otho Stevens, Jr., was born in 1722 and married Abigail Emerson, by whom he had four children. Abigail Emerson was the daughter of Benjamin Emerson—the founder of Hampstead—and granddaughter of Robert Emerson, of Hampstead, England. Otho Stevens, Jr., joined Wolfe's brigade in the spring of 1759 and was with that intrepid commander when he climbed the heights of Abraham and took Quebec September 13th, 1759. In scaling the precipice in the dark Otho Stevens injured one of his feet severely, was taken back with the rest of the injured and wounded to Fort Oswego, where he died September 21, 1859, at the age of thirty-seven. His son, Simon Stevens, the grandfather of the subject of this sketch, was born in Hampstead March 4, 1755. He settled in Canter-



*M<sup>rs</sup> J. Stevens*





bury, New Hampshire, and married Elizabeth Boynton, daughter of Joshua Boynton, by whom he had four children. He died June 19, 1825.

Edmund Stevens, one of the sons of Simon and Elizabeth Boynton Stevens, was born in Canterbury July 3, 1778, and died in Dover, N. H., in the house of his son, William, December 13, 1854. He married Elizabeth, daughter of John Shepard, a prominent citizen of Gilmanton, N. H., and had two children, Eliza, who married Rev. James Doldt, and William Shepard Stevens, the subject of this sketch.

William Shepard Stevens, son of Edmund and Elizabeth (Shepard) Stevens, was born in Canterbury, N. H., June 21, 1816. After attending the public schools of his native town, he was employed one year in the store of Andrew Capen in Concord, N. H., and then, until seventeen years of age, was a pupil in the academies of Gilmanton, Pembroke and Hampton, N. H. While attending the Hampton Academy, the Rev. Mr. Thayer, of Kingston, N. H., applied to the trustees of the academy for a suitable young man to teach a school in that town, from which three teachers had been successively ejected by its turbulent scholars. Young Stevens was selected as the teacher for the occasion, and with his cool, determined and fearless nature, he carried the school through the winter term without disturbance and with entire success.

At the close of the term he returned to Canterbury and entered into business with John Bryant, under the firm name of Bryant & Stevens, manufacturing platform scales. He remained with Mr. Bryant seven years, during which time he traveled extensively throughout New England, the British provinces and the West, driving a horse and chaise and taking orders for scales. After leaving Mr. Bryant he entered into partnership with James Berry, and opened a country store in Milton, N. H., where he remained two years. He then went to Ossipee, N. H., and for ten years carried on a country store on his own account. In 1848 he removed to Dover, N. H., and, in partnership with his brother-in-law, Asa Jewett, kept a country store, buying out his partner at the end of two years, and remaining afterwards in the business until 1854. Believing at that time that the western country offered favorable opportunities to a man of enterprise and sagacity, he joined Eleazer D. Chamberlain, of Dover, and traveled through sections of the Union, whose later development has fully justified his expectations. While prospecting for a place of settlement, he seized favorable opportunities for loaning money at satisfactory rates of interest, and for making investments in real estate. On returning home with the intention of making a permanent settlement in the West, his intentions were frustrated by the condition of his wife's health, and he decided to remain in Dover. He was not long, however, out of employment, and his well-known business ability attracted various offers to join in industrial operations. One of these, made by Benjamin Wiggin, of Dover, was to join with him in the manufacture of glue. After a careful examination of the features of this business, and its probable results, a partnership was formed under the name of Wiggin & Stevens, and the manufacture, promptly begun, continued with success until the death of Mr. Wiggins in 1863.

After the death of Mr. Wiggin, his son Russell B. Wiggin took his place in the firm, and after building suitable works, the manufacture of sand-paper was added to their business. In 1873 the sand-paper works were burned, and rebuilt in Malden, Mass., where better facilities for carrying it on existed than could be found in Dover. Russell B. Wiggin, who had charge of the Malden works, died in 1886, and Mr. Stevens and his son, Everett J. Stevens, bought his interest from the heirs. At a later date a new factory for the manufacture of glue was built in Malden, and since that time the plant of the company has consisted of the old glue works in Dover and

the new glue works and the sand-paper works in Malden. At the Sand-paper works, Flint, Garnet and Emery papers are manufactured. Nearly all the product of both the glue works is required in making the paper. The Flint is obtained from quarries in Maine and Massachusetts. A large portion of the crushed material is used in making the sand-paper, and the remainder is sold to dealers throughout the country to be used by painters, shoemakers, and others engaged in various industries. The garnet is quarried from mines owned by the firm in New York and Pennsylvania. The plant is one of the largest in the country, and the goods are used extensively in all parts of the United States and also in foreign countries.

Mr. Stevens possesses those qualities which are sought in the conservative and profitable management of public enterprises, and the judicious administration of public affairs. Such men are sure to be drafted into the service of their fellow-citizens. He was a representative from Dover in the New Hampshire Legislature in 1858-62 and 1863, and mayor of that city in 1871-'72 and '73. He was a director in the Strafford Bank from 1854 until its organization as a national bank in 1863, and since that time has been its president. He has been a trustee of the Strafford Savings Bank about forty years, and was many years a director of the Boston and Maine Railroad Company.

Mr. Stevens has been married three times. He married November 13, 1839, Mary R., daughter of Nathaniel Jewett, of Milton, N. H., who died April 21, 1850, leaving one son, Everett J. Stevens, who is now in business with his father, and living in Malden, Mass., of which city he is now mayor. He married, second, May 7, 1851, Sarah Varney, daughter of Cyrus Bangs, of Dover, N. H., who died October, 1865, leaving three daughters, Mary E. Stevens, Carrie L. Stevens, who married Charles E. Ellis, now of New York, and Eliza Stevens, who married Nathan C. Osgood, of Salem, Mass. He married, third, January 2, 1879, Sarah, daughter of Richard Furbush, of Lebanon, Me., and widow of Andrew Chesley, of Dover, N. H., who died March 21, 1888.

Mr. Stevens is now enjoying undiminished vigor of mind, active in the management of his business, and fully possessing the unwavering confidence of his fellow-citizens in his judgment, prudence, integrity and executive skill.



### JAMES PIERREPONT BARTLETT.

**J**AMES PIERREPONT BARTLETT, son of James and Lucy Bartlett, was born in Portsmouth, N. H., April 12, 1820. His father was a son of Richard Bartlett, of Newbury, the latter being a direct descendant of the noted Bartelots of Stopham, Sussex County, England. The subject of this sketch was educated at the best schools then established in Portsmouth, and at the age of twenty-two entered mercantile life, engaging first in the life insurance business, continuing therein until 1875.

On June 19, 1850, he married Frances Mary Harris, a daughter of Mr. William C. Harris, the noted school-teacher, and of this union four children survive: James P., George W., T. Harris, and Mrs. William B. Ogden.

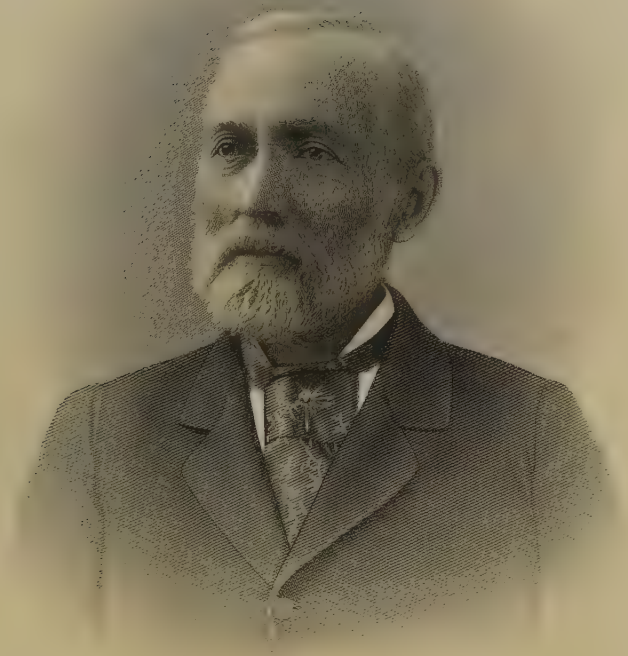
In 1855 he was appointed cashier of the New Hampshire Bank at its organization, the late Peter Jenness being its president. Subsequently this became a national bank, and in 1866 Mr. Bartlett was elected its president, holding that position until 1882, when he resigned, and for about ten years was cashier of the National Me-





*J. P. Bartlett*





*Ala Perkins*





chanics' and Traders' Bank. During this cashiership he enjoyed but one vacation, this being in 1888, when he went to Europe, and there passed six weeks.

He was the oldest member of the Federal Fire Society, which was organized in 1789, and the only one who lived to be associated with it for half a century. He was a member of the Portsmouth Athenæum, the Portsmouth Athletic Club, and for a long time was president of the Rockingham Chess Club. He was president in 1880 of the High School Association, and at the time of his decease was a member of the firm of Marvin Bros. & Bartlett, manufacturers of cod-liver oil, and had been connected therewith for many years. He was a member of St. John's Church, and for a long time associated with the music thereof, possessing a very rare and melodious voice.


Notwithstanding he was a well-known, trusted and faithful bank officer, and for a long series of years an active business man, there were other sides of his life, and these were culture, sweetness and earnest thought. Mr. Bartlett especially delighted in the work of authors in the Elizabethan age, and he knew the books of Shakespeare, Beaumont and Fletcher, Ben Jonson and the rest almost by heart. It has been truly said of him that to hear him read the plays of Goldsmith, Sheridan and the early dramatists was a rare treat in elocution, and in the individuality with which each character was put into the imagination of the hearer vividly on the mimic stage. This would doubtless be the judgment of Aldrich, Fields, Stedman, Leighton, Shillaber, and of all the long line of Portsmouth-born authors, poets and poetesses contemporary with Mr. Bartlett, among whom his early life was passed, and with whom he held close friendships.

Mr. Bartlett's life was constant in usefulness, thought-study and pastime for more than half a century.

With his happily mated partner in married domesticity, the home councils were ever alert on plans for the public good. He was only in years an older companion with his children, participating in their interests and delights as on a level with their ages.

In his religion Mr. Bartlett was devout, liberal and progressive, and in his manly attributes he was as pronounced as his noble nature, and his fine physical presence made him a notable figure among men. He died April 15, 1896.

### ALBERT ALONZO PERKINS.

LBERT ALONZO PERKINS, son of Levi and Maria (Desmazès) Perkins, was born in Ossipee, N. H., March 6, 1826. His father was a native of Wells, Maine, descended from one of the early English settlers of that region. His mother was born in Newburyport, Mass., the daughter of John Desmazès, a native of France, who immigrated to the United States near the close of the last century, and married a daughter of Capt. John Fletcher, a wealthy ship-master and owner, at Newburyport.

In the village of Centre Ossipee, young Perkins resided with his parents, during his minority. He attended the district school when in session, and secured for several terms the higher advantages of the academies at Effingham and Wakefield. At the age of twenty-one Mr. Perkins was preparing, like many other young men at that time, to "go west and grow up with the country," when an opportunity to buy out a country store in his native village, caused him to settle down there as a merchant and leave to others the chances for growth in the green West. He had been in trade five years, when, in November, 1852, a vacancy occurred in the office of treas-

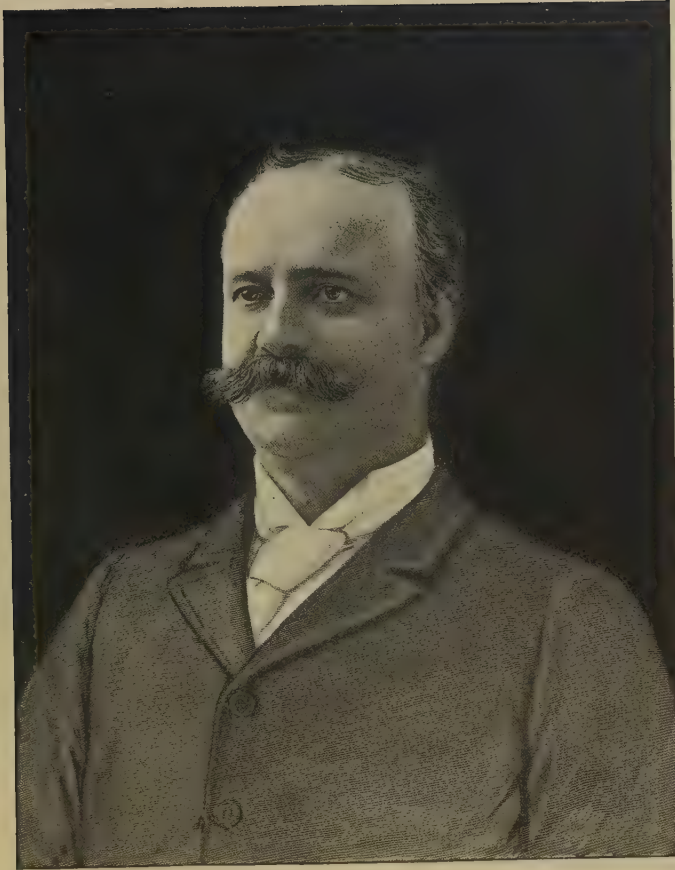
urer of the Great Falls and Conway Railroad, and Mr. Perkins was chosen by the directors to that position. He had not thought of obtaining the office and had not applied for it. One of the directors of the railroad, who resided in Ossipee, was in his store one day and spoke of the vacancy and the difficulty of getting the right man for the place, when Mr. Perkins said jokingly, "If you cannot find any one else to take the place I'll take it." Nothing further was said, but a few days later the same director called to notify him of his election. He at once secured a satisfactory bond in the sum of twenty thousand dollars, disposed of his store and moved to Somersworth, N. H., where the offices of the road were located. At that time this railroad extended from the village of Great Falls in Somersworth to South Milton, N. H., a distance of only twelve miles. Its capital stock was \$100,000, and it had issued mortgage bonds to the amount of \$100,000. Second mortgage bonds of \$100,000 were soon issued, and these were soon followed by \$75,000 of third mortgage bonds, and the holders of the last issue tried to operate the road to the exclusion of the stockholders, whose holdings were worthless. While the road was in this rather feeble condition, in 1853, Mr. Perkins was chosen superintendent and found himself, at the age of twenty-seven, filling the two responsible positions of superintendent and treasurer of a corporation, weak in its resources, but strong in anticipation and purpose to build a railroad from the sea, over the valleys and through the hills of New Hampshire to the White Mountains.

Mr. Perkins entered upon the duties of superintendent with great earnestness. The hope of seeing a railroad extended through his native town, and passenger trains in place of the old stage coaches from Great Falls to Conway, gave him an incentive to work, and all his energies were bent to the attainment of that end. He attended faithfully to all necessary details of operating the road and superintending the preliminary surveys, the settlement of land damages, the raising of money, the grading of the road-bed and laying of the rails, pushing forward the work at all seasons of the year with untiring zeal and persistency. He held the office of superintendent twenty years. Under his supervision the road was built from South Milton to North Conway, and from Great Falls to Conway Junction. The branch line from Wakefield to Wolfboro was also built. The section of road twelve miles long, had become seventy-one miles in length, connected at one end with the Eastern, and at the other end with the Portland and Ogdensburg road, and a very important link in a chain of railroads extending across the continent from the Atlantic to the Pacific. A letter from Mr. George M. Browne, president of the Eastern Railroad, dated August 11, 1873, addressed to Mr. Perkins at the time of his resignation, contains the following assurances of his appreciation: "You certainly can have the conscientiousness, however little the fact may be appreciated by the public, of having done well for that part of the country in which you reside; for it is to your efforts and labors more than to those of any other man, that the increased railroad facilities there have been provided. Indeed, I may say, and probably I know as much about it as any one, that, without your efforts, and labors and perseverance, Carroll county would never have had a railroad during this generation."

Mr. Perkins had realized his ambition, and accomplished what he considered to be his life's work, but the constant and arduous effort had been too great for his endurance, and his health failed.

In July, 1873, he resigned his office, and for three years devoted himself to physical restoration. He spent the winters in Florida, and the summers in health-giving resorts at the North. Having recovered health and strength, in November, 1876, he was elected treasurer of the Somersworth Savings Bank, a position which he con-





Charles Arthur Sinclair.



tinues to occupy. He is also president of the Great Falls National Bank. As a banker, Mr. Perkins is conservative, and has the confidence of the community. The deposits in the savings bank have been increased during his management from \$766,000 to \$1,430,000. The investments of the bank have been made largely in bonds, which are declared by brokers to be the best class of bonds in any savings bank in New Hampshire.

Mr. Perkins married, in 1845, Miss Abby Crosby Bean, of Gilmanton, N. H., who died in 1891. He married again in November, 1892, Mrs. Harriet Bates Legros, widow of Capt. Edgar B. Legros, of Somersworth.

His life has been devoted to business rather than to politics, but he served the town of Somersworth as representative to the General Court in 1859 and 1860, has been a member of the school committee, and is now filling a third term as alderman, having held that office continuously since the first election of a city government for Somersworth in 1893. In these, and other ways, the people with whom he has lived have shown their appreciation of his ability, their confidence in his integrity and reliance upon his conservative judgment. While faithful in all his public duties and trusts, Mr. Perkins has not missed his opportunity to acquire wealth, and is regarded financially as one of the solid men of New Hampshire.



### CHARLES ARTHUR SINCLAIR.

**C**HARLES ARTHUR SINCLAIR, son of John G. and Tamar Merrill Clark, traces his ancestry in this country from Richard Kimball, who came from the county of Suffolk, England, and settled in Watertown, Mass., in 1634.

He was born in Bethlehem, N. H., August 21, 1848, where his boyhood and youth were passed. He was educated in the common schools of Bethlehem, and subsequently attended the seminary in what is now Tilton, N. H.; later at the Newbury Academy, Vt., and at Phillips' Academy, at Exeter, N. H., from which he entered Dartmouth College.

Early manifesting a desire for a business life, he withdrew from college, and for a year or more resided in Lexington, Michigan. Returning to New Hampshire, he established a wholesale flour and feed store, in Littleton, and subsequently removed to Portsmouth, and became a partner with the Hon. Frank Jones in his large and extensive business, and this partnership continues to the present time. He is prominently identified with the railroad history of New England, is a large owner in the Boston and Maine Railroad, and was a director in that corporation for several years. He is a large owner in the Worcester, Nashua and Rochester Railroad, and has been president of the corporation. He was largely instrumental in the building of the Hereford Railroad, the Upper Coös Railroad, and the Upper Coös Extension Railroad, embracing in all about one hundred and ten miles. He is also a large owner in the Manchester and Lawrence Railroad, and is president of that corporation.

The largest industry of its kind in the United States is the Morley Button Manufacturing Company, of which Mr. Sinclair was the founder. The Portsmouth Shoe Company, which is the largest shoe manufactory of its kind in the world, was also founded by Mr. Sinclair. He is prominently identified with the financial interests of the state, and is a director in several banks and trust companies.

Notwithstanding his extensive business interests, Mr. Sinclair has found time to devote to the public service, and has been active in the politics of the state. He is a



Democrat, and one of the leading members of that party in New England. He was a member of the New Hampshire state senate from 1888 to 1892, and from 1893 until the present time, having served the state in this capacity during three terms of the senate. Twice during his senatorial career he was the standard-bearer of that party for United States senator; first, against the Hon. Jacob H. Gallinger, and second, against the Hon. William E. Chandler, and it may be truthfully stated that in both of these contests he received the strength of his party.

He is prominent in the debates of the senate, is one of its readiest speakers and most influential members, and is popular with his associates. He was also member of the New Hampshire house of representatives from 1892 to 1894.

In November, 1873, he united in marriage with Emma Isabel Jones, the niece and adopted daughter of the Hon. Frank Jones, and their family consists of the following: Grace Jones; Martha Sophy; Mary Louise, and Ellen Marie.



### JAMES ELBRIDGE LOTHROP.

**I**N the East Riding of Yorkshire, England, on the line of the York and North Midland railway, lies an ancient town bearing the name of Lowthorpe, a Saxon word, meaning low field. In this town the Lothrop family originated. In early times, when family names began to be used, and the son of John, of William, of Jack and David came to be called Johnson, Williamson, Jackson and Davidson, many of these names were derived from the features of the localities in which the families were located. Thus Field, Hedge, Brooks, Hill, Stone, Wood, Tree and other similar names had their origin. The name of the Lowthorpe family was thus derived, though afterwards changed to Lothrop.

In the town of Lowthorpe, about the middle of the sixteenth century, there lived a John Lowthorpe, of whose occupation and social position nothing is known. His son, Thomas, removed to Burton Cherry, and afterwards to Elton, where it is believed two sons, John and Mark, were born. John studied for the church, and was first settled in Egertown, in the county of Kent. He afterwards became a Nonconformist, and was settled as the successor of Henry Jacob, as the pastor of the Separatist church, in Southwark, London, which was established in 1592. He finally suffered imprisonment for nonconformity, and, after his release, came to New England, and was settled as pastor over the first church in Scituate, Mass., in 1634, and over the first church in Barnstable in 1639.

He came from England in the ship "Griffin," and with him came a brother, Mark, who, after short residences in Salem and Duxbury, finally settled at Bridgewater, Mass., where he died in 1686. From Mark Lothrop the subject of this sketch is descended. Mark Lothrop had four children: Elizabeth, Mark, Samuel and Edward.

Samuel Lothrop, of Bridgewater, son of Mark, married Sarah Downer, and had a son Mark, born in Bridgewater, September 9, 1689, who married, March 29, 1722, Hannah Alden, a great-granddaughter of John Alden, of the "Mayflower," and daughter of Deacon Joseph Alden, of Bridgewater. Mark Lothrop was one of the early settlers of Easton, Mass., and died there in 1777. Jonathan Lothrop, son of the above Mark, born in Bridgewater, March 11, 1722-3, married, April 13, 1746, Susannah, daughter of Solomon and Susannah (Edson) Johnson, of Bridgewater, and died in 1771. Solomon Lothrop, son of Jonathan, born in Easton, February 9, 1761, married Mehitabel, daughter of Cornelius White, of Taunton, and removed to Norton,



*Geo E. Lothrop*





Mass., where he died, October 19, 1843. Daniel Lothrop, son of Solomon, born in Easton, January 9, 1801, married, first, October 16, 1825, Sophia, daughter of Deacon Jeremiah Horne, of Rochester, N. H., and, second, September 24, 1849, Mary E. Chamberlin. He settled in Rochester, where he became a prominent man in public affairs, and died May 31, 1870. His children were James Elbridge, born November 30, 1826; John Colby, born September 12, 1828; Daniel, born August 11, 1831; Matthew Henry, born January 1, 1851, and Mary Sophia, born August 15, 1853.

James Elbridge Lothrop, son of Daniel and Sophia (Horne) Lothrop, was born in Rochester, November 30, 1826. Through his mother he is descended from Rev. Joseph Hull, a graduate of Cambridge, England, who settled in Durham, N. H., in 1662. William Horne, his earliest American maternal ancestor, lived in Dover, N. H., as early as 1662, and was killed in the massacre of June 28, 1689. His estate in Dover, known as Horne's Hill, has always, down to the present generation, remained in the family.

In 1827 Daniel Lothrop, who was a stone-mason by trade, bought a farm on Haven's Hill in Rochester, and on this farm James Elbridge Lothrop spent the first fifteen years of his life. He attended a district school in the winter, and during the summer was occupied on the farm. Being the oldest son, the oversight of farm-work was often imposed on him during the repeated absences of his father, caused by the exacting business of his trade; and thus early in life he acquired an independence of character, and an instruction in business affairs, which laid a solid foundation for his future career. It is related of him that as early as ten years of age he was entrusted with the work of taking loads of wood to Dover, and selling them in the market-place. From his present place of active business he looks out upon the scene of these enterprises of his boyish days.

But Mr. Lothrop, in his early years, exhibited something more than aptitude for work, and fidelity in its performance. From both father and mother, the master and mistress of a home replete with elevating influences, he inherited an active mind, and a thirst for knowledge. In a survey of his life, he remembers no more pleasurable excitement than that felt when, at nine years, he returned on foot from Dover with a Latin lexicon, which he had bought, lovingly carried under his arm. After leaving the district school and the farm, he attended for a short time the Rochester and Strafford Academies, and at sixteen years of age taught a winter school in Rochester. For a few months afterwards he taught a private school in that town, and at the age of seventeen, having abandoned the plan of a college course, for which he had been preparing himself, went to Fall River, Mass. In that town his mother's brother, Jeremiah Horne, was carrying on a drug store, in connection with a medical practice, and under his care Mr. Lothrop learned the business of a druggist, and also began the study of medicine. In 1845 he returned home to Rochester, and, with a capital of \$300 borrowed from his father, opened a drug store in Dover. He was then nineteen, and, entering on his work with the zeal and hopefulness of youth, combined with the judgment and discretion of maturer years, he laid the foundations of a business, which has been persistently and energetically pursued, and been crowned with brilliant success.

After carrying on the drug store alone for a year, he employed his younger brother Daniel to take charge of the business, and during the winter months attended the lectures at Jefferson Medical College in Philadelphia, and took his medical degree from that institution in 1848. Returning to Dover with the intention of combining the practice of medicine with the sale of drugs, after the manner of his uncle in Fall River, he soon found that his store demanded his undivided attention, and con-

sequently he was obliged to abandon the pursuit of his profession. His brother Daniel at that time became associated with him under the firm-name of D. Lothrop & Co., and shortly after a drug store was opened by them in Newmarket, N. H., and Daniel was placed in charge. Not long after John C. Lothrop, the other brother, was admitted to the firm, and went to Newmarket to learn the business with his brother Daniel. These three brothers have presented a most remarkable spirit of family union, remarkable in that there was none of the drifting away from each other into perilous friendships and moneyed ventures. They held firmly to each other with a trust beyond words. The simple word of each was as good as a bond, and as early as possible they entered into an agreement that all three should combine fortunes, and though keeping distinct kinds of business, should share equal profits under the firm-name of "D. Lothrop & Co." For forty-five years, through all the stress and strain of business life in this rushing age, their loyalty was preserved strong and pure. Without a question or a doubt, there was an absolute unity of interests. John Colby Lothrop, after he had learned the drug business in Newmarket, was placed in charge of a drug store at Great Fall, N. H., and the store in Newmarket, as well as one in Meredith Village and one in Amesbury, which had been established by the firm, were disposed of. The clothing business was also established at Great Falls, and soon became so much more important and profitable than the drug business that the latter was sold, and John C., gave his whole time and attention to the former.

In the meantime the drug business in Dover, under the care of James Elbridge Lothrop, was enlarged by the purchase of a second store, which, however, after being carried on for a time by clerks, was sold out in 1866. With the increase of business further aid in its management was required, and one-half interest was sold to Alonzo T. Pinkham, who became, so far as this business was concerned, a member of the firm of Lothrops & Pinkham.

But D. Lothrop & Co. were not content with the limitations under which their business in Dover was carried on, and, a favorable opportunity offering, opened a clothing house, and with the admission to the firm of their father, Daniel Lothrop, carried on business under the firm-name of Daniel Lothrop & Sons. Branches were established at Rochester and Great Falls, that at the former being subsequently sold. After the death of the father, in 1870, the senior member of the firm, Matthew Henry Lothrop, a half brother of James E. Lothrop, who had been a salesman for the firm, bought in 1877 an interest in the clothing store. In 1880 Matthew Henry Lothrop removed to Boston, and Charles H. Farnham buying his interest, the business in Dover was conducted under the firm-name of Lothrops, Farnham & Co. Previous to these various changes in the firm another department, comprising musical instruments and music, was added to the business in Dover, which has since swollen into a magnitude scarcely excelled in New England.

Going back to the earlier years of the firm of D. Lothrop & Co., they purchased, in 1850, the stock of books held by Elijah Wadleigh, in Dover, and began business as booksellers. Their trade in this department was both retail and jobbing, and something was also done in the way of publishing. With the expansion of the business in this department, they became ambitious to enter a wider field of operations, and in a few years removed to Boston, and opened a store on Cornhill. In 1876 they removed to Franklin street, and subsequently to Washington street. After their removal to Boston, their business both in the sale and publication of books largely increased, and besides their books, the periodicals known as *Baby Land*, *Pansy*, *Little Men and Women*, and *Wide Awake*, published by them, won a high reputation and large circulation. For real merit, purity and attractiveness, as

well as for beauty of design and exquisiteness of illustration, their books are nowhere surpassed, and possess a world-wide reputation. Of this department Daniel Lothrop had the exclusive management and control.

Of the various complicated departments of the firm of D. Lothrop & Co., Mr. James Elbridge Lothrop has always had the financial management in his hands, besides having the exclusive control in detail of the business in Dover. The responsibilities and labors resting on him may be easily conceived, but he has always been found equal to every emergency, and can look back on his career as one in which success has been won by good judgment, wise foresight, indomitable energy and strict integrity. These traits in his character have been recognized by his fellow-citizens, who have not been slow to take advantage of them for the benefit of the community, of which he has been so long a member. In 1858 he was made a director in the Cocheco National Bank, in 1873 vice-president, and in 1876 president. In 1871 he became a director in the Cocheco Aqueduct Association, in 1872 its clerk, and in 1875 its president. He has been also a director in the Portsmouth and Dover railroad, in the Eliot Bridge Company, in the Dover street railroad, and president of the Dover Board of Trade and Dover Improvement Association. In 1872 he was a member of the state legislature, and in 1882 was chosen mayor, and rechosen in 1883. His administration as mayor was a creditable one both to himself and the city, and he retired from office with a record approved almost unanimously by his fellow-citizens. Not the least efficient among his efforts as chief magistrate were those in behalf of the public library of Dover, which owes its origin to his persistent endeavors.

Dr. Lothrop married, September 29, 1852, Mary E., daughter of Joseph Morrill, a native of Amesbury, Mass., who for many years was connected with the Cocheco Manufacturing Company in Dover, and finally became a large owner in real estate, the management of which in his later years was his chief occupation.

The sudden decease of Daniel Lothrop in 1892 left the whole control and management of the immense publishing business, which had been organized in 1890 as a corporation under the firm-name of the D. Lothrop Co., in the hands of James E. Lothrop and Mrs. Daniel Lothrop, and it was ably conducted by them for about two years. In the meantime the whole business and property of D. Lothrop & Co., of New Hampshire had been purchased by James E. Lothrop, including the clothing, drug and music stores and real estate (John C. Lothrop afterwards repurchasing the property at Great Falls). These were of such magnitude and importance that with his increasing years Mr. Lothrop deemed it wise, even with great pecuniary sacrifice, to reorganize the D. Lothrop Co. corporation, and with the consent and assistance of Mrs. Daniel Lothrop and John C. Lothrop a new corporation was established in 1894 under the style of the Lothrop Publishing Co., with the condition that it should conduct business upon the same principles, and carry out the purposes and designs of the founders. By adopting this course he has been relieved of the enormous labor attending the personal conduct of the Boston business and is enabled to add greater force and vigor to all his New Hampshire enterprises.

In promoting all manufacturing and industrial interests he has always taken a most prominent, active, unselfish and successful part, and the general manufacturing and mercantile interests of his city and state have been elevated and held at a higher standard by his indomitable energy, sterling integrity, untiring and persistent efforts and constant devotion to the public welfare. Now in his seventieth year, after fifty-one years devoted to business, he is active in body, clear and vigorous in mind and successfully conducting enterprises in Dover, Somersworth and Rochester of a mag-



nitude and importance the labors and responsibilities of which few even younger men would be willing to assume.



### CHARLES WELLS, M.D.

**T**HE subject of this sketch was descended from Joshua Wells, who was born in Windsor, Conn., in 1647, through his son Joshua, born April 10, 1672, and his grandson Lamson, born also in Windsor, November 7, 1706. Hezekiah Wells, son of Lamson, was born in the same town June, 1736, and served with distinction in the Revolutionary War. He married Sarah Trumbull, and died March 8, 1817. Horace Wells, son of Hezekiah, was born in Windsor, June 22, 1776, and was a prosperous farmer in that town. He married Betsey Heath, of Warehouse Point, Conn., and after his marriage removed to Westminster, Vt., and died in Bellows Falls, Vt., April 5, 1829. He had three children, Horace Wells, the distinguished author of anæsthesia, who died in New York city, January 24, 1848, at the age of thirty-three; Charles Wells, the subject of this sketch, and Mary E., who married Captain John Cole, a native of Westmoreland, N. H., and many years a resident of Medway, Mass.

Charles Wells was born in Westminster June 22, 1817. He received his early education in the public schools of Bellows Falls, to which place his father removed in his infancy from Westminster, and afterwards attended the academies of Walpole, N. H., and Amherst, Mass., and pursued a private course of study under Mr. Ballard, an eminent teacher in Hopkintown, N. H.

Having finished his academic studies and his private instruction, he began, January 22, 1837, at the age of twenty, the study of medicine in the office of Dr. Josiah Graves, of Nashua, N. H., and afterwards attended the Jefferson Medical College, in Philadelphia, from which institution he graduated in March, 1840. He began practice at Chili, N. Y., associated as partner with Dr. Lucius Clark, but in 1842, removed to Manchester, N. H., where he pursued an honorable and successful career until his death.

As a practitioner, Dr. Wells was of that safe, prudent and conservative class, who seek to accomplish the best results by adherence to the known and tried remedies approved by the best skill and experience of the profession, rather than to experiment with the new and speculative in the hope of securing fame and applause, as is too often done, at the risk and peril of the patient.

The same prudence and excellent judgment poise which characterized his professional life were equally exemplified in his business and financial affairs, the early fruitage of which was manifest in that liberal competency which enabled him in the afternoon of life to enjoy that exemption from engrossing care and exacting labor which is the so-common object of ambition, but reached and enjoyed by so few.

For more than forty years Dr. Wells was a member of the Hillsborough Lodge of Odd Fellows, and received all the honors of the order. He was a member of Grace Church, in Manchester, and many years a vestryman and treasurer. In his order and his church he felt a deep interest, and was a constant and liberal contributor to the necessities of both. He was never dazzled by the allurements of political life, his services in this direction having been confined to a membership of the Common Council of Manchester in 1847 and 1848, and of the Board of Aldermen in 1848 and 1849. He led a calm, unostentatious life, esteemed as a citizen, neighbor and friend. Prepossessing in personal appearance, gentle, dignified, but yet



*Charles Wells*







*Henry M. French.*



affable in his intercourse with all men, he never gave offence to any one, but lived and died in the possession of the love and confidence of all. Dr. Wells married December 21, 1847, Mary M. Smith and died childless at his home, December 28, 1884.

### HENRY MINOT FRENCH, M.D.

THE subject of this sketch was the son of Dr. Leonard and Ann Maria French, and was born in Ashby, Mass., April 1, 1853. In his early youth he attended the public schools of Ashby, and in 1861 removed with his father to Manchester, N. H., where he attended the schools of that city, graduating from the high school in 1872. In the last-mentioned year he entered Dartmouth College and graduated in 1876. During the three succeeding years he studied medicine with his father and his brother, L. Melville French, and in 1878 entered the New York Medical University. During a part of the three years' course pursued with his father and brother he attended the Dartmouth Medical College, from which institution he graduated in 1878. He then resumed his studies in the New York Medical University until January, 1879, taking also a special course of instruction in physical diagnosis under Prof. Alfred L. Loomis in the wards of Bellevue Hospital. Afterward he received the appointment of assistant physician in King's County Hospital, in Flatbush, L. I., and continued in that position until April, 1880, devoting much of his time to the study of diseases of the throat under the specialist Dr. T. R. French.

During the spring of 1880 he was a co-laborer with Dr. H. T. Hanks in the department for diseases of women in the Demilt Dispensary in New York city, and during the summer of that year was assistant physician in the New Hampshire asylum for the insane. In November he established himself in general practice in Concord, N. H., which place became his permanent home. His thorough professional equipment, superadded to a high intelligence and unusual personal attractions and purity of character, soon drew to him a substantial and increasing practice. In the year of his settlement in Concord, he became a member of the New Hampshire Medical Society and of the Centre District Medical Society. During the administrations of Governors Hale and Currier, from 1883 to 1887, he was physician of the state prison in Concord. In June, 1885, he read an able paper before the State Medical Society on nasal catarrh. In 1886 he was sent by the state as one of its delegates to examine the graduates in that year of the Dartmouth Medical College, and during his career he was a valued member of the staff of the Margaret Pillsbury Hospital in Concord.

In 1891, he detected symptoms of a disease which was undermining the foundations of his life, and in July of that year he gave up practice. In December, he went to New York, and, availing himself of the highest professional skill, remained in that city two months, grappling in vain with the grasp of an insidious cancerous affection, full of courage, but absolutely without hope. He afterwards consulted Dr. Cheever, of Boston, and, learning from him that two years of life were all he could expect, he returned to Concord and prepared himself calmly and courageously to meet his doom. During the two following years his sufferings were intense, but always borne with Christian fortitude and an inspiring faith.

During his comparatively short professional career, he not only won a high reputation as a practitioner, but also as an expert in criminal cases. His testimony was always so lucid and instructive as to compel both the closest attention and highest encomiums from the jury, the bar and the court. One who knew him well described



him as "well-bred, thoughtful, cultured, the possessor of a fine singing voice and an attractive temperament, and indeed in a marked measure all the attributes which make up a charming personality."

In musical and social circles he was only less prominent than in those of a medical character. He was director of music in the Unitarian Church in Concord about three years, and in the South Congregational Church about two years. He was a member of the First Congregational Church in Manchester, N. H., and was inspired by his deep religious associations with that spirit of resignation and cheerfulness which enabled him to bear with fortitude his prolonged sufferings, and to welcome at last the hand of death.

After arranging his affairs in Concord, he finally returned to the home of his father in Manchester, where he died, Tuesday, June 13, 1893. Dr. French was never married. An appreciative obituary which appeared in the *Manchester Mirror* the next day, said that "for two years he has suffered untold agonies, but he has borne them with the sweetest and most unwavering courage; no complaint, no murmur of despair, no rebellion against fate ever passing his lips. His magnificent fight for life has been accompanied by the highest and most inspiring form of faith in the infinite goodness of God and in the justice of the terrible trial through which he was passing. His life-work was accomplished in a brief time; but when his deeds of helpfulness, his tender administration to the sick and the afflicted, his ready willingness to sacrifice his own pleasure for the comfort and happiness of his friends, and, finally, his simple and superb acquiescence in the righteousness of his last affliction, are taken into consideration, it is seen that if he lived briefly, he filled that life full of positive good."

### CHARLES E. BALCH.

**T**HE subject of this sketch was born in Francestown, N. H., March 17, 1834. Until he was eighteen years of age he attended the public schools of his native town, and the Francestown Academy, from which he graduated with an education more thorough than a course confined to the common schools was able to furnish. At the above age he began his business career as bookkeeper in the establishment of Barton & Co., in Manchester. After two years of faithful service his capacity for honest and thorough work was recognized by an appointment to a clerkship in the Manchester Savings Bank. The discharge of his duties in this position was so satisfactory that, in 1865, he was chosen cashier of the Manchester National Bank, and remained in that office until January, 1884. He was also a trustee of the Manchester Savings Bank, a member of its investment committee, and its treasurer until his death. He was treasurer of the Manchester Gas-Light Company, a director and member of the finance committee of the New Hampshire Fire Insurance Company, and a trustee of many important estates. In every position of responsibility and trust occupied by him he discharged his duties with sagacity, integrity, and prudence. Among his personal investments were those connected with navigation, and a four-masted schooner, built in Bath, Maine, in 1882, in which he was interested, bore his name.

Though decided in his political convictions, and an ardent supporter of the principles and measures of the Republican party, the allurements of office failed to entice him into the paths of political preferment. His service of two years on the staff of Governor Head was the beginning and end of his political life. His tastes were refined, and

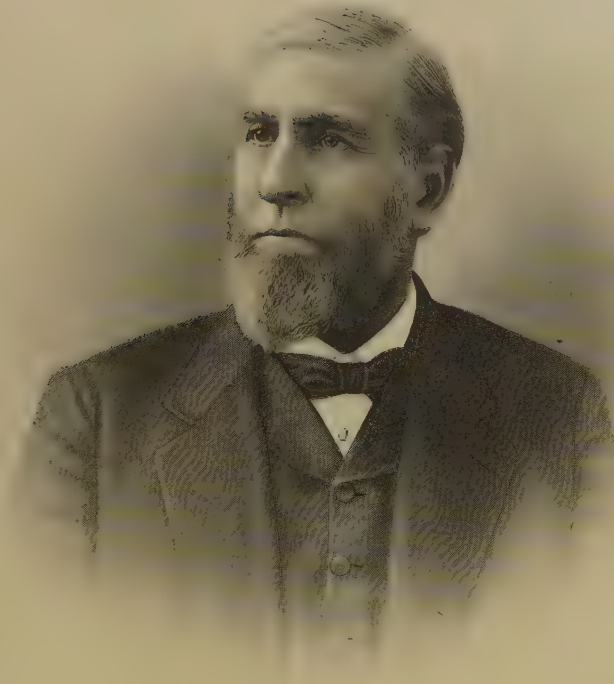


*Eng<sup>d</sup> by A.H. Ritchie*

*Chas. E. Pugh.*







*J. W. Johnston*



in his hours of leisure he sought enjoyment, and relief from business cares, in both their elevation and gratification. To the study of architecture he gave much of his time, and his attainments in the art were illustrated in his own residence and some of the most satisfactory business and public buildings in his adopted city. Full of public spirit, he was always alive to all interests looking to the welfare of the community in which he lived, and ready to contribute freely to promote them. As a member of the Franklin Street Religious Society, its prosperity and influence were near his heart, and he continued until his death, one of its most generous benefactors.

Mr. Balch married in July, 1867, Emeline R., daughter of Rev. Nahum Brooks, who survived him. He died at his home October 18, 1884, and no more just and satisfactory analysis of his character can be presented than that contained in resolutions offered by Hon. Daniel Clark at a meeting of the directors of the Manchester National Bank held after his death, which described him as a "pleasant associate, a courteous gentleman, a prudent, skilled and efficient officer, an able financier, cautious and considerate in his judgment, prompt in action, straightforward and direct in his methods and faithful to his trusts, a man of great moral worth and Christian virtue, free from reproach, quiet in his deportment, gentle and unassuming in his manners, and exemplary in all the relations of life."

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### JAMES WILLIS JOHNSON.

**A**MAN, who entirely by his own efforts rose to affluence and social position, and through all the changing events of an active business life preserved his integrity unimpeached, well deserves the pen of the historian. Such a man was James Willis Johnson. Without the advantages of inherited aid, he worked the problem of his own fortune, and lived to enjoy the fruition of a successful business career. He was born in Enfield, N. H., February 24, 1826. His educational advantages were limited, having attended school for a short time at Enfield and at Woodstock, Vt. He then entered the country store of his brother-in-law in Enfield as clerk, where he succeeded in acquiring a little money, and at the expiration of two years went to Pompanusuc, Vt., where he purchased a car-load of potatoes, which he sent to the Boston market. The marvellous activity and executive ability, which made his later life a success were quickly shown by young Johnson at this time. Prior to this, however, he had become somewhat known to the Boston market as a dealer in poultry, which he brought to Boston, and exchanged for fish, which he disposed of to the people along the line on his return to New Hampshire. This was the beginning of his produce business, which later grew to large proportions. The success which attended his efforts as a produce dealer stimulated him to renewed activity, and the business was subsequently enlarged by the purchasing of cattle, and he became known throughout Northern New York, Vermont and Southern Canada as one of the largest dealers. At the breaking out of the Rebellion, in addition to the produce and cattle business in which he had met with marvellous success, he was also a dealer in wool, and with that business sagacity, which was a ruling spirit through life, he at once realized the great demand that would soon come for uniforms and blankets, and he put forth extra efforts in the purchase of wool, and the states of New Hampshire and Vermont and also Canada sent their wool product to him, and from 1861 to 1876 Mr. Johnson was the largest wool-dealer throughout the entire East. He was also a large dealer in barley and hops, and made a small fortune in that business.



In 1875 he became interested in the management of the Quincy House, Boston, in partnership with Mr. George Bell. At the expiration of five years he purchased Mr. Bell's interest, and later purchased the entire property, which he owned at the time of his death, and which is now the property of his heirs. His large acquaintance throughout New England, together with his hospitality and his genial bearing, made him a popular host, and the Quincy House enjoyed an extraordinary success during his management, and became one of the best known hostelrys throughout New England.

Mr. Johnson was a man of marked prominence in his native state, as well as in Boston. Possessing an affable disposition, a taste and an ability for the discharge of public duties, a judgment well balanced and almost uniformly correct in its results, it is not strange that he was selected by his fellow-citizens as one fitted to assume and administer public trusts in a variety of relations. He was elected to the legislature of New Hampshire in 1860-65-66 and 1875, and was a member of the state senate in 1876 and 1877. At the close of his legislative service, he was appointed railroad commissioner, and served through 1878 and 1879.

Politically he was a Republican, and an uncompromising advocate of the principles of that party. He was an excellent financier, a man of quick perception and great executive ability. He was a director in the First National Bank of Concord many years, and was also prominently identified with the policy of the Concord Railroad, and was a director in this corporation at the time of his death. Mr. Johnson was a man who enjoyed great popularity with all classes of people. He was a prominent member of the Masonic fraternity and was also a member of the Somerset Club of Boston.

December 22d, 1846, he united in marriage with Susan A. Smith, daughter of Rev. Uriah Smith, of Enfield. Their family consisted of four daughters, all of whom are living: Ella H., wife of William W. Hill, of Concord, N. H.; Carrie E., wife of Dr. Otis H. Marion, of Boston; Flora Bell, wife of Otis T. Fellows, of Newton; and Helen S., unmarried. He died December 18, 1886.

Mr. Johnson's education was acquired at the common schools in his native town, where his quickness of apprehension and application as a scholar soon rendered him proficient in the limited studies of the schools of that period. But whatever deficiency existed when he left school was soon supplied as he went out into the world. And few men, aside from those who are active students of the times, ranked him for general intelligence and that shrewd use of knowledge which leads to success. But the success obtained by him was by no means to be attributed solely to tact and industry, but, in a large measure, to that unswerving manliness which marked his whole course of life. "Not propt by ancestry, neither allied to eminent assistants, by the force of his own merit he makes his way." He was liberal-minded broad in his views, and had the confidence and esteem of the people in a remarkable degree, and by his forceful energy had taken a prominent position in the business life of both New Hampshire and Boston.

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### WILLIAM H. CUMMINGS.

**W**ILLIAM HUSE CUMMINGS was born in New Hampton, N. H., January 10, 1817. His father, Joseph Cummings, was a member of the old Cummings family of Dunstable, and his mother, Mary Huse, of Saubornton, was descended from Hannah Dustin, whose conduct, as captive of the Indians in the early



W. H. Cummings





days of the colony, has been handed down to the present day, as affording a remarkable instance of fortitude and presence of mind, under circumstances of great trial and danger. William was the second son in a family of five boys and two girls. His father was a farmer, and could give his children only the educational advantages then afforded by the district school, but these, aided by a habit of reading and study, cultivated in all the after years of his life, supplemented the activity of a mind by nature keen and comprehensive, and a retentive memory, added to the store of information acquired in his long and varied experience. At the age of seventeen he left home and entered the store of Major Ebenezer Kimball, in New Chester. Few young men of the present day would consent to receive so small a salary as thirty-five dollars and board the first year, but to the habits of prudence, economy and thrift thus formed, Mr. Cummings could trace much of his future success. Little time or opportunity was given him for dissipation or waste of money and talents, and an incident in his life at this time illustrates the practical common sense with which he regulated his habits. He was invited, with other young men, to attend a ball on a certain evening. As a matter of curiosity, he thought he would calculate the cost of attending the party, at compound interest, from that day until his sixtieth year; the sum was so large that he then and there resolved to renounce this form of amusement for himself, and throughout his life his recreations were always simple and healthy.

In 1837 Mr. Cummings purchased the business in which for three years he had been engaged as clerk, and at the youthful age of twenty started in trade for himself. After two years he went to Lisbon, and remained a year in the employ of Allen & Cummings, after which he removed to Haverhill, and entered into partnership with John L. Rix, with whom he remained five years. He then conducted the business alone for three years, and in 1849 disposed of his interests in Haverhill, and returned to Lisbon, where for over forty years he was prominently identified with the business and public affairs of the village. He became a member of the firm of Allen, Cummings & Company, and engaged in merchandising, lumbering, banking and manufacturing until 1875, when he retired from active business.

In 1843 Mr. Cummings was married to Miss Harriet Sprague Rand, daughter of Hamlin Rand. Mr. Rand was a leading business man in the early days of Lisbon, and a large real-estate owner. Mr. Cummings purchased of the Rand estate a tract of land on the eastern side of the Ammonoosuc river, and upon the hill overlooking the village he built in 1853 the house he ever after occupied, developing from a rough pasture, by a liberal expenditure of time, money and labor, one of the most beautiful homes in the vicinity. Throughout his life he dealt largely in real estate, and, while laying the foundation for his own financial success, he aided many a hard-working man to gain a home by selling him a house and land, and taking his pay in small instalments. From fifty to sixty houses passed through his hands in this way, and the growth of the town was largely promoted by his efforts in this and other directions.

Mr. Cummings was ever an active political force in Lisbon, representing the town in the legislatures of 1856 and 1883, and serving as state senator in 1877 and 1878, when he was mainly instrumental in the passage of the present supervisor law of the state. Uncompromising in his allegiance to Democratic principles, he was always prominent in the councils of his party; as a legislator he ranked among the leaders, and exerted a powerful influence over his associates in both branches of the general court. He was a delegate to the National Democratic Convention that met in St. Louis in 1876, and nominated Samuel J. Tilden for the presidency. Until the later years of his life he was interested in the Masonic fraternity. One of the organ-

izers, promoters and charter members of Kane Lodge, and for twenty-six years an active member of Franklin Chapter, he held all the offices of these organizations. He was also one of the original members of St. Girard Commandery, Knights Templar, of Littleton.

For over eighteen years Mr. Cummings was president of the Mills River National Bank, serving its interests with the utmost care and fidelity. To his conservative action and skillful financiering the bank owed much of its prosperity during the years in which he was connected with its management.

No worthy public enterprise ever appealed to him in vain for aid, and his liberal contributions toward whatever would best develop the resources and increase the growth of the town in which he lived were an incentive to other men to help in all plans for public improvements. The fine school-house erected in 1890 may be regarded as a monument to his forethought for the welfare of the village, as it was his earnest advocacy of the measure in the meeting called for the purpose that formed the decisive influence which induced the citizens of the district to pass the final vote.

No man in the community was more constantly resorted to by all classes for material assistance, advice and encouragement. His office was always open to those who sought his counsel, and many a burdened man and woman, struggling with the problems of debt and the support of a family, carried to him their stories of want and anxiety, always sure of a kindly interest, a sympathetic word, and often of timely aid, which would render them his grateful friends through life. Quiet and unostentatious in his benevolence, not until his death was it revealed how many had looked upon him as their best helper and strongest defender.

In 1878 the Congregational Church of Lisbon was organized, and Mr. Cummings was until his death active in promoting the interests of the society. He was treasurer and chairman of the board of trustees for over twelve years. Always chairman of its business meetings, he presided with such quiet dignity that any decision on his part ever carried with it so much sound judgment and good sense that it put an end to all controversy. In the words of one of his pastors—"His moral support of the church was greater than his material support; his attendance on the means of grace was constant and inspiring." Two and a half years after his death, his family presented to the church a pipe organ, as a memorial to one who had been so closely identified with its formation and growth.

Mr. Cummings died on July 15, 1891, after a year and a half of failing health, survived by his wife and two daughters, Harriet Sprague (Mrs. O. I. Newcomb) and Mary Rand. His only son, William Edward, died in 1867, aged twenty-one. His funeral was held in the Congregational Church, and the large throng who were present testified to the esteem in which he was held by the community. He was a man of great force of character, indomitable will and strength of purpose. Hence in his perceptions he was a good student of human nature, and rarely deceived in his judgment of men. Always courteous and genial in social intercourse, he won many warm friends, while upon the town in which he spent the greater part of his life he left an indelible impression of his business energy and integrity. Mentally and morally he was an excellent representative of the best elements of New England character, and he has left the precious heritage of a noble life and that good name which "is rather to be chosen than great riches."



William H. Burt  
Maj. 7<sup>th</sup> Regt. Minn. Vols.





## WILLIAM HENRY BURT.

THE subject of this sketch was descended from James Burt, who sailed in the "Falcon" from London to Barbadoes in 1635, and from thence to Newport, R. I., where he was in 1639, and finally went to Taunton, Mass., previous to 1645, where he took the oath of fidelity in 1654. Samuel Burt, the fourth in descent from James Burt, the American ancestor, married in 1787 Olive Lincoln, of Taunton, and, accompanied by a brother and sister, settled as a pioneer in Westmoreland, N. H. Willard Burt, son of Samuel and father of William Henry, married in 1818, Martha, daughter of Jonathan and Martha (White) Wood, of Westmoreland, and granddaughter of Jotham White, of Leominster, Mass. Jonathan Wood went from Fitchburg, Mass., to Westmoreland to live before his marriage in 1785. He was descended from John Wood, alias Atwood, an early settler in Plymouth, Mass. His wife, Martha White, was a lineal descendant from John White of England, who was admitted an inhabitant of Salem in 1639, and was settled in Lancaster, Mass., in 1653.

William Henry Burt, son of Willard and Martha (Wood) Burt, was born in Westmoreland May 24, 1824. He received his early education in the public schools of his native town and remained at home until he was twenty-one years of age, assisting his father on the farm, and under the guidance of his mother, who was a woman of rare intellectual culture, instructing himself in branches of learning beyond the reach of the common school curriculum. At the age of nineteen he began teaching winter schools, and at the same time was interested in the study of phrenology and physiology. After due preparation in this study, he was occasionally employed in delivering lectures on his favorite theme, and fondly cherished a hope of acquiring means to fit himself for a professional life. With this end in view he attended three terms of the Mount Cæsar Academy at Swanzey, N. H., after he was twenty-one years of age, but the hope of a college life, the goal at which he aimed, was frustrated by the inadequate resources of his father, and the prospect of incurring a burdensome debt. At this turning point in his career it was decided in the family council that he should learn a trade, and he went to Worcester, Mass., where he was apprenticed for a time to a house carpenter and afterwards entered the employ of a railroad car manufacturer, in which he remained until 1850.

At that time the recent discovery of gold in California, and the opportunities opening on the Pacific coast to a man of energy and spirit, presented attractions too strong for him to resist. He sailed from New York April 1, 1850, for San Francisco, where his experience was that of thousands of others, moderate success at the cost of many hardships and privations. The death of two sisters, Mrs. Martha M. Goodnow, and Mrs. J. Elizabeth Beals, one of which occurred February 3, 1852, and the other August 10th in the same year, induced him to return to New Hampshire and lend consolation and cheer to his parents in their affliction. With the means acquired in California he found himself able to carry out his original plan of leading a professional life, and in September, 1852, he entered as a student the law office of Levi Chamberlain, an eminent lawyer in Keene, N. H. In April, 1854, he passed a creditable examination, but was precluded from admission to the bar by the inexorable rule of the courts, requiring three years' study. In May he again sailed for California, where he believed the best conditions for advancement and success could be found. He entered the law office of James Wilson, a former resident of Keene, who

was in the enjoyment of an extensive practice in San Francisco, and was admitted to the California bar on the 9th of February, 1855. In the latter part of the same year he returned east, and passed the winter succeeding in Keene with his parents, who had removed from Westmoreland to that place. Soon after his arrival at Keene he was admitted to practice in the Supreme Court of New Hampshire, with the intention, however, of returning to California and there permanently pursuing his profession. Before returning he concluded to visit his brother, a lawyer in Detroit, and to extend his journey to Davenport and Dubuque, Ia., and other places of interest, including Stillwater, Minn., where a brother law student had his home. While in Stillwater he consented to attend to the practice of his friend during an absence, which was expected to be of short duration, but protracted illness prevented his friend's early return, and he remained in Stillwater in a steadily increasing and valuable practice. He was admitted to the bar as counsellor-at-law and Solicitor in Chancery at St. Paul, Minn., January 13, 1857, and seemed now to have abandoned his plan of returning to California, and to have become a permanent citizen of Minnesota. He was a member of the Minnesota Legislature in 1862, in which he served as chairman of the Judiciary Committee, and a member of the Committees on Federal Relations and of Military Affairs. From the outset of the late Civil War he felt it his duty to aid in its suppression, and while loyalty to his clients forbade his desertion of interests already entrusted to his care, he engaged in no new cases except with the understanding that he might relinquish them if he saw fit so to do.

At the time of the call of August 6, 1862, for Union troops, Mr. Burt readily accepted an appointment, by the Governor of Minnesota, to enlist a company for the Seventh Regiment Minnesota Volunteers. He was commissioned second lieutenant August 8, 1862, and assigned a district for the enrolment of a company in the farm portions of Washington and Chisago counties. He reported, August 17, at Fort Snelling, the military rendezvous, with a company of ninety-eight men, and was chosen their captain, and received his commission as such on the 21st inst.

Minnesota was then a frontier State, having military outposts and garrisoned forts for its defence. These had been greatly weakened by transfers, to the South, of the regular troops and moveable armament. The large Indian population, notably the Sioux tribes, saw a favorable opportunity for invasion, and a terrible massacre of settlers ensued, just as the newly-raised troops were reporting at their rendezvous, and the Seventh Regiment Minnesota Volunteers, with four other new regiments, found active and laborious duty within the borders of their own state, and in Dakota, during the first year of their service. The regiment reported at Fort Snelling September 16, 1863, and soon received orders to join the Union forces in the South. Capt. Burt left St. Paul, with his regiment, October 7, for St. Louis, where they were retained for special service till April 20, 1864, when they were sent to re-enforce Fort Pillow at Paducah, Ky., remaining there till June 19. They were then ordered to Memphis, and assigned to the Third brigade, First division, Sixteenth army corps, commanded by Gen. A. J. Smith, and afterwards participated in the various duties required of that noted corps, pursuing and engaging the enemy wherever their service was most needed. Major Burt was engaged in the battles of Tupelo, Miss., in July, 1864, and that of Tallahatchie in August, and with the First division September 1, was hurriedly sent forward by transports and forced marches to intercept and reduce the Confederate forces in Arkansas and Missouri, arriving at St. Louis, November 14, 1864, where they met orders "to report at Nashville, Tenn., at the earliest day practicable." They arrived there on the 30th inst., and were engaged in the battles of Nashville in December.





*John S. Collins*



Finally, after various important movements and transfers, the Sixteenth Corps was sent to Dauphin Island via New Orleans, arriving at Fort Gaines, March 7, 1865, in season to take part in the campaign against Mobile, in the siege of Spanish Fort, which was taken April 8. Major Burt, with his regiment, was soon sent to Montgomery, thence to Selma, Ala., where it was stationed for garrison duty till July 20, when it was ordered homeward, and arrived at Fort Snellings, where they were mustered out of the military service August 16, 1865.

He was commissioned Major of his regiment November 6, 1863, but continued to serve as Captain till March 30, 1864, when the regiment was recruited to the number required for a full complement of officers. "For gallant and meritorious services at the siege of Spanish Fort, Mobile Harbor, Ala.," he was commissioned Brevet Lieutenant-Colonel of United States Volunteers, by the President, March 20 1866, the rank to date from April 8, 1865.

The health of Colonel Burt was seriously impaired by his service in the war and was never restored. He returned to Keene, and while on a visit to his sister, Mrs. Sharlot A. West of Worcester, died in that city March 15, 1866.

Colonel Burt was twice married, first, in October, 1848, to Hannah L. Williams of Amherst, Mass., who died in 1852; and second, November 8, 1855, to Ann Louisa Davis of Dublin, N. H.

The character and career of Colonel Burt were well described by an article in the *St. Paul Press* accompanying an announcement of his death. The writer said that "he loved the profession of his choice and applied himself to its study with a zeal and intensity rarely excelled. His ability and industry soon secured for him an extensive practice and a position at the head of the bar at which he practiced, and he was retained on one side or the other of almost all causes of importance. Owing to the character of the business of the St. Croix valley, and the financial crisis of 1857-58, the litigation was extensive and of a most important character. This brought him in contact with the best legal minds of the state, and as well at *nisi prius* as at the bar of the Supreme Court, he was regarded as among the best lawyers of the state. He was true to his client, and identified himself, even to a fault, perhaps, with the cause he advocated. He was a man of exemplary habits and strict integrity. He was very reticent, and his manners were somewhat abrupt, but a little familiarity with him discovered behind this exterior a heart alive to the kindest sympathies of our nature."

### JOHN S. COLLINS.

**J**OHN S. COLLINS, son of Stephen and Anastasia (Murphy) Collins, was born in Oxford, Mass., December 15, 1841. He was educated in the public schools of Worcester, Mass., at the Commercial College of William H. Eaton in that city. During the War of the Rebellion he served nine months on the United States gunboat "Neptune," and in 1867 became associated with his father and brother as a member of the firm of Stephen Collins & Sons, manufacturers of kerseys, beavers and worsteds in Gilsum, New Hampshire. The town of Gilsum, where Mr. Collins established himself and where he has since lived, derived its name in a singular manner. Its original name when first chartered in 1752 was Boyle, but owing to a forfeiture of its charter it was chartered anew in 1763, and its name was changed. The Gilbert and Sumner families were prominent ones in the town, and each wished the town named in its honor. By way of compromise the first syllable of each name was taken and the two were united in the name of Gilsum. The Ashuelot river, on



which the mill of Stephen Collins & Sons was situated, took its name from an Indian word, signifying a collection of waters.

In 1871 Mr. Collins bought out the interest of his brother, and in 1877 the partnership with his father ceased, and he became the sole proprietor. The original mill, while managed by Stephen Collins & Sons, contained five looms, and by the employment of seventy-five hands, was capable of producing twelve thousand yards per month. After the property came into the hands of Mr. Collins, it was at various times improved and enlarged. In 1888 he associated with himself George H. Levey as a partner, and the partnership continued until 1891. Since that time he has had the sole ownership and control of the mill, and now with twenty-eight looms and the employment of seventy hands he manufactures in cassimeres and worsted suitings about two hundred thousand yards per annum.

Mr. Collins is a man of unusual activity, prompt in his decisions, firm in his resolution, possessing keen foresight, and a rare judgment in taking advantage of the varying conditions of a market changeable and critical. With these traits of character he mingles a liberal public spirit and an unassailable integrity. It cannot be expected that such a man can fail to be drafted into the service of the community in which he has cast his lot. He has been chairman of the school board of Gilsum; and it was through his efforts that graded schools were established in that town. He was also many years treasurer of the town. He was a member of the New Hampshire House of Representatives in 1872, 1873 and 1889, and a member of the State Senate in 1885. He is a Democrat in politics. He is a director also of the Keene National Bank, and in the management of that institution his advice is always sagacious, conservative and safe. In 1897 Mr. Collins became associated with his brother, Michael Collins, in the woolen manufacture at Collinsville, Mass.

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### WILLIAM B. DURGIN.

**N**EAR to half a century ago was established in the capital of New Hampshire, upon a capital of \$200.00 a silverware manufactory which has continued through a steady, substantial growth, year by year, till its fame has become as wide as the continent and its products find a demand throughout the length and breadth of both Americas.

This phenomenal success is the logical result of uncompromising integrity, careful, conservative management and the unvarying exercise always of good judgment on the part of William B. Durgin, whose name as founder and manager, has ever been inseparably linked with the business, which now ranks second to no other similar industry in the country.

William Butler Durgin began life as a farmer's son in Campton, Grafton County, New Hampshire, where his father, Francis, and his mother, Ruth Butler Durgin lived. He was born in that town in 1833, and in his youth enjoyed such educational advantages as the country schools afforded. Mr. Durgin's mind early inclined towards commercial pursuits, and thenceforth his history was essentially that of other New Hampshire men whose honorable careers have added so much to the lustre of the fame of the Granite State. Realizing that his native town offered but limited possibilities, he determined to battle for success in broader fields, and, in 1849 went to Boston with his father, who secured for him a position as apprentice in the factory of Newall, Harding & Co., at No. 12 Court Square. For five years he remained with



M<sup>re</sup> B. Durquin





this firm devoting himself so faithfully to his work in the meantime as to master the silversmith's trade in all its branches.

His life in Boston was quiet, uneventful, industrious, the temptations of the great city offering no attraction to allure him from the course he had early determined to follow. When he had attained his majority in 1854, he turned toward New Hampshire, and after mature consideration believed he could see in the capital a promising field for the establishment of a factory, and, accordingly, in that year moved to Concord and laid the foundation of the present great factory.

At first all the work was done by himself, with only one assistant, but at the expiration of a year he began to take apprentices and teach them the business which was then confined solely to spoon-making.

Mr. Durgin remained in the shop which he first occupied for four years, paying \$75 rent, but as the business had then outgrown its quarters he built a small wooden building for a factory on a portion of the land on which his present large plant stands. During this time he employed five or six apprentices and a few workmen.

After nine years he built the large brick factory now in use. At first he only occupied a small portion of the building, the rest of it being used by others for office purposes. In that building he has remained until his business has increased to a degree that has rendered it inadequate for factory purposes and made additions a necessity.

There has never been a year from the beginning of the business that it has not shown a steady increase. This progress is illustrated by the fact that he now employs one hundred and fifty men, and the value of the annual product of his factory is over half a million dollars, making it one of the leading manufacturing industries in the state. About twenty years ago he bought and put into use the tools of the firm of Newall, Harding & Co., of whom he learned his trade.

For twelve years his son, George F. Durgin, has been associated with his father and has brought to the establishment energy and executive ability of a high order. These qualities, combined with his exceptionally good artistic taste, have added largely to the strength of the business, and have aided in developing this manufacture and keeping it abreast with the times.

The William B. Durgin sterling silver ware is famous from Maine to California, and it is sold only by high-class retail jewelers.

The Durgin goods are especially held in high esteem for their originality of design, artistic merit, and high standard of quality, as nothing but sterling  $92\frac{5}{16}\%$  fine silver is used in their manufacture. The constant and steady growth of the business is due to integrity of the strictest sort as well as to the great mechanical skill and ingenuity of the founder. A number of the first employees, whom Mr. Durgin personally instructed, are still in the employ of the concern.

Both the father and mother of Mr. William B. Durgin died in Campton. He united with the Baptist Church while serving his apprenticeship in Boston, and with the First Baptist Church of Concord when he removed to that city. He has always been a prominent man in the church, and for several years has served most acceptably as trustee.

Politically, he is a member of the Republican party, and was elected a representative to the legislature from Concord in 1894.

In 1854, Mr. Durgin was united in marriage with Martha Elizabeth Travers, and their children were George Francis, born in 1858, and Mary Susan, since deceased, who was born in 1860.

Not only is Mr. Durgin a man of indomitable will and perseverance, but the

New England characteristics of honesty and uprightness have helped to make him justly ranked as one of New Hampshire's esteemed and respected citizens.

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COL. JOSIAH B. SANBORN.

**C**OL. JOSIAH BUTLER SANBORN, son of Benning W. and Polly (Jenness) Sanborn, was born in Deerfield, N. H., January 22, 1827. He was a descendant in the eighth generation of John Sanborn, the emigrant ancestor of the Sanborns of New Hampshire, and he traced his ancestry to the worthy families of Jenness, Coffin, Taylor, Tuck and the Rev. Stephen Bachilor, an early minister of Hampton. His baptismal name was given him in honor of Hon. Josiah Butler, an esteemed friend of his parents and a distinguished lawyer of Deerfield. Colonel Sanborn was a brother of Hon. Peter Sanborn, many years the state treasurer of New Hampshire, and of Benning W. Sanborn, a successful bookseller and publisher of Concord.

Enjoying such educational advantages as were offered by the schools of Deerfield, he subsequently pursued his studies at the academies in Pembroke and Sanbornton. He was engaged in teaching a few years, and after a brief residence in Lowell, Mass., he removed to Concord in 1855. Until the death of his elder brother, in 1874, he was associated with him as a bookseller and publisher in the famous Franklin bookstore on Main street. Subsequently he continued the business as sole proprietor, and was the publisher of the New Hampshire reports, digests, session laws and other legal publications. He knew his customers intimately, anticipated their wants and was popular and successful. The public is indebted to him for the accuracy of the print, the uniformity of page and binding, and many other commendable features of the legal publications of the state.

April 26, 1882, Col. Sanborn married Roselle M. Barker, daughter of John J. and Sarah M. (Osmer) Barker, of Peterborough, who survives him. He died after a brief illness, in the vigor of robust manhood, July 6, 1894, and was buried in Blossom Hill Cemetery.

As a citizen he was highly esteemed for his integrity and business ability, and for his ready support of every measure that tended to advance the best interests of the city. He was prominently associated with the material interests of the community, and was a constant supporter of several business enterprises. For several years he was a director of the First National Bank, and a director and president of the Concord Gas Company. In politics Colonel Sanborn was a Democrat and an ardent supporter of Democratic policies. He was a candidate of his party for mayor, state senator and other offices, and always received the undivided support of his political associates. For several years he was a member of the Governor's Horse Guards, and was the adjutant of that famous military organization. In 1861 he was commissioned a colonel on the staff of Gov. Berry, and, as the official representative of the state, he made several visits to Washington and vicinity, providing for the sick, and in attention to the needs of the soldiers of the Army of the Potomac.

Colonel Sanborn was a member of the Blazing Star Lodge of Masons, and for many years was a liberal supporter of the Episcopal church.

In stature Colonel Sanborn was tall and commanding, symmetrical in proportions, and regular and attractive in feature. In any assembly of men his erect form, his easy and genial manner, and his pleasing address made him a conspicuous figure. In his relations with his fellow-men he was frank and courteous, and in his business



*J. B. Vanborn*







*Marcellus E. Cander*





habits he was exact and methodical. He was faithful to his friends, and honest in his dealings with all. His memory will be cherished by all who knew him.

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### MARCELLUS ELDREDGE.

**P**ROMINENTLY identified with the business interests of New Hampshire, and justly ranked as one of the state's most esteemed and honored citizens, is the Hon. Marcellus Eldredge, of Portsmouth. He was born in Chatham, Mass., November 24, 1838. Here his boyhood was passed, securing an education such as was afforded by the common schools of that day.

In 1852 he went to Portsmouth, N. H., and entered, as clerk, the store of J. & H. Eldredge, who conducted a mercantile business for the sale of corn, flour, etc. In 1858 he was given a position as clerk in a brewery. His keen business foresight and indomitable energy here became quickly manifest in the development of the business, and a few years later he became general manager of this industry, the growth of which had been phenomenal. In 1875 it was organized as a stock company, under the name of the Eldredge Brewing Company, with Marcellus Eldredge president and treasurer. In 1891 he disposed of his interest to his brother, H. Fisher Eldredge.

Chiefly through the business sagacity and energy of Marcellus Eldredge, the Eldredge Brewing Company, from a small beginning, became the second largest brewing industry in New England.

Notwithstanding Mr. Eldredge's business activity, he found time to devote a portion of his energy to the public service. Politically, he is a Democrat, and has always been a consistent advocate of the principles of that party. In 1876 and '77 he was elected state senator from the Portsmouth district, which was strongly Republican. He served the city of Portsmouth as alderman, and was elected mayor in 1886 and '87, declining a re-nomination in '88.

All measures tending to advance the interests of Portsmouth have always found in him an earnest and generous supporter. As a director in the New Hampshire National Bank, president of the Portsmouth Machine Company, and president of the Portsmouth Gas and Electric Light Company, his eminent business ability enabled him to perform the many exacting duties to the complete satisfaction of his business associates, while the material welfare of the community was much enhanced by his well-directed efforts.

A lasting memorial of his love for Portsmouth, and its people, is to be seen in Goodwin Park, which was presented to the city by his mother, Mrs. Capt. Heman Eldredge; his brother, Mr. H. Fisher Eldredge, and himself jointly. In this park the city has erected a monument to the memory of her brave sons, who fought to uphold the honor of the flag in the War of the Rebellion. The handsome shaft is crowned with a beautiful figure emblematical of the Goddess of Liberty, which was the gift of Mr. Marcellus Eldredge.

February 26, 1862, he united in marriage with Mary E. Dill, of Chatham, Mass.

Having retired from the management of the brewing company, although largely interested in other enterprises, a large portion of his time is now spent in Chatham, the scene of his boyhood. He is deeply interested in the old town, and in 1887 he was instrumental in the building of the Chatham Railroad, which brings that beautiful seashore town in touch with Boston and New York, as it is now included in the extensive system operated by the New York, New Haven and Hartford Railroad

Company. Mr. Eldredge has held the office of president of the Chatham Railroad Company ever since it was incorporated.

Additional evidence of his loyalty and love for his native place was more recently furnished by Mr. Eldredge, he giving to Chatham in July, 1896, one of the finest public library buildings in south-eastern Massachusetts. This building is of the colonial style of architecture, and in all respects is one of the most perfect for the uses for which it was intended. Both the interior and exterior show the generosity of the giver, and the skill of the architect and decorator. The innate modesty of the donor is clearly shown, as no name or symbol decorates its exterior, indicating what it is, or by whom this princely edifice was given. On the left of the vestibule is the simple inscription "Eldredge Library, A. D. 1896," and facing the entrance is a fine oil painting of Mr. Eldredge. The interior is in pure Italian style, and perfect in all its appointments, and is a monument to one of Chatham's most successful and esteemed natives.

As a type of manhood, of the sterling quality in its triple union of moral, mental and physical worth, Marcellus Eldredge would be a marked man in any community. Decision of character, tact and sagacity are indicated in every line of his strong, earnest face, and, when united with his physique, the picture is complete of a man born to achieve success in business, and to command the confidence and respect of his associates.

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### HEMAN FISHER ELDREDGE.

**H.** FISHER ELDREDGE, and his brother, Hon. Marcellus Eldredge, have been identified with the brewing industry of Portsmouth during their business lives. This industry, which has now grown to its present immense proportions, was started in a moderate way in 1858, and from a first brewing of twenty-eight barrels, and an annual product the first year of between five and six thousand barrels, it has developed into the present large industry, with an annual product of about one hundred thousand barrels.

The Eldredge Brewing Company was organized in 1875 as a stock company, with Marcellus Eldredge as president and treasurer, and was continued under this management until 1891, when Marcellus Eldredge disposed of his interest to H. Fisher Eldredge, who is the present president and treasurer, and sole proprietor.

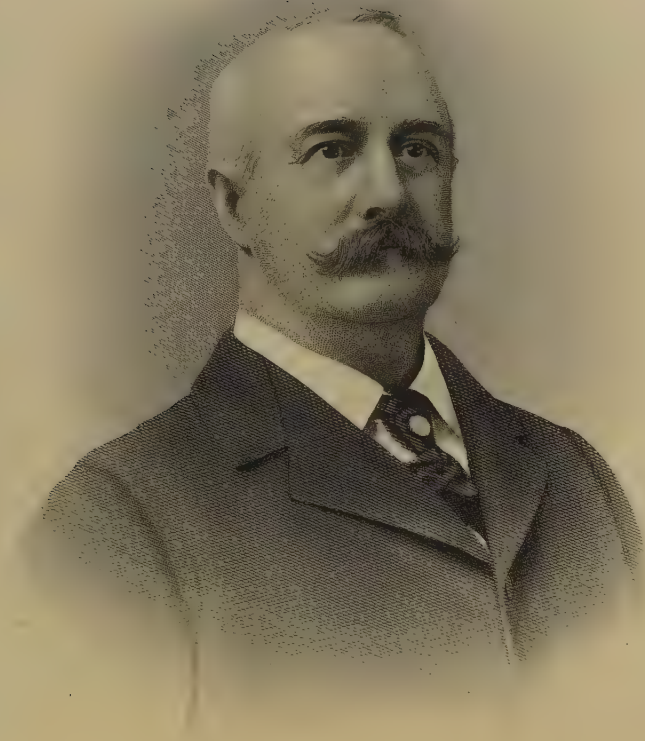
Mr. Eldredge was born in Chatham, Mass., April 13, 1852. April 22, 1873, he united in marriage with Addie Eliza Young, of Chatham, and their family consists of two children, Nettie Addie, wife of James Fullerton Shaw, and Sadie Eveline Eldredge. Mr. Eldredge resides in Portsmouth, having a summer residence in his native town of Chatham.

Although too actively engaged in the management of a large business to accept political honors, he is interested in the politics of the day, and is a Democrat and an earnest advocate of the principles of that party.

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### G. PERCIVAL STEWART.

**M**R. G. Percival Stewart, whose portrait adorns another page, and who is so widely and favorably known throughout the New England and Middle States, is the oldest son of that talented actuary, Prof. Wm. P. Stewart, so long identified with the Mutual Life Insurance Company of New York, and who, while traveling in the interests of that company, has made his worth and ability recognized in nearly all parts of the world.



*W. Fisher Eldredge*







General Stewart





Mr. Stewart was born in Portland, Maine, on the 13th day of June, 1864. He early showed a marked aptitude for study, and at the age of fourteen was fully fitted for college. He expressed a strong preference for a business career, however, and after receiving considerable tuition from his father in mathematics and attempting the study of medicine and another year the study of law, he, at the age of eighteen, engaged in the manufacturing business and traveled from the coast of Maine to the Rocky Mountains selling goods of his own manufacture.

From that time on prosperity attended him, and he became a prominent figure in many enterprises. He was for many years president of one of the largest financial institutions in New Hampshire, director in a national bank in New York and had large investments in and was personally connected with manufacturing, printing, importing, commercial and many other interests, and is supposed to be the heaviest investor in building-loan associations in America, having nearly \$200,000 in one institution and handing a certified check for \$100,000 for one single subscription to building-loan stock. He has also an office in New York, where he is engaged in the banking business.

Mr. Stewart is as well known in the social world as he is in the financial and business world. He is a member of a number of clubs, among others, the Derryfield and Calumet clubs, of Manchester, N. H., and the Lotos, Knickerbocker and Hardware clubs of New York, and he is not unknown among the secret societies, being a member of the Masons, Knights of Pythias, Elks and other similar organizations.

Mr. Stewart can trace his ancestors back to the second ship which came to America after the "Mayflower." His ancestors founded the town of Kittery, Me., and the land then secured by them still remains in the family.

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### NATHANIEL GORDON.

**H**ON. NATHANIEL GORDON, son of John S. and Frances Gordon, was born on the old homestead, at Gordon's Hill, Exeter, N. H., November 26, 1820. He is a lineal descendant, in the sixth generation, of Alexander, a scion of the loyal Gordon family, in the highlands of Scotland. This young Alexander was a soldier in the royalist army of Charles II. He was captured by Cromwell, confined for a time in Tuthill Fields, London, and sent to America in 1651. He was held as prisoner of war at Watertown, Mass., until 1654, when he was released. He afterwards came to Exeter, N. H., where, in 1663, he married Mary, daughter of Nicholas Lysson. The next year the town voted him a grant of twenty acres of land, and he became a permanent resident, dying in 1697. From him and his descendants "Gordon's Hill" received its name. He had eight children, of whom Thomas was born in 1678. Thomas married Elizabeth Harriman, of Haverhill, was father of eleven children, and died in 1762. From Thomas' son, Timothy, was descended John S. Gordon; and from Thomas' son, Nathaniel, was descended Frances Gordon. The line of John S. Gordon is, Timothy (1), Timothy (2) (a Revolutionary soldier of bravery under Gen. Stark, in the battles of Bunker Hill, Bennington, Saratoga, etc.), and John S. Gordon. The line of Frances is, Thomas, Nathaniel (1), Nathaniel (2), and Frances Gordon. John S. Gordon, like his immediate ancestors, was a quiet, unassuming farmer on "Gordon's Hill." He neither sought nor cared for office, but was a man of influence and weight in his neighborhood, serving, in his unobtrusive way, his day and generation well.

His marriage to Frances Gordon occurred March 11, 1814, and his death in 1845. Mrs. Gordon was a superior woman, in mental endowments, love of knowledge, in social and domestic virtues, in her devotion to God, and in Christian attainments. She was married at the age of twenty. There were born to her four children, three daughters and a son, of whom the daughters, in their maturity, preceded her to the better land. She peacefully departed this life at the house of her son, Hon. Nathaniel Gordon, in Exeter, in February, 1889, at the age of ninety-five years, four months and sixteen days.

Her son, Nathaniel, the subject of this sketch, entered Phillips Exeter Academy in the autumn of 1833, was there fitted for college, and, in 1838, entered the sophomore class of Dartmouth College, and was graduated therefrom in 1841. Each winter of his college course he taught school three months. After graduation he taught from September, 1841, to May, 1842, at St. Thomas Hall, Flushing, L. I. Going south, he passed the summer of 1842, as teacher in a female seminary, in Baltimore and in Washington. In September, 1842, he became tutor in a private family in Prince George's county, Md., and held this position for two years. During this time he studied law, and was admitted to the bar at the April term of Prince George's county in 1844. For about two years he practiced in the various courts of Prince George, Calvert and Charles counties. He then removed to Baltimore, where he practiced for one year. In September, 1847, he returned to Exeter, where he has made his home ever since.

Mr. Gordon opened a law office in Exeter, and continued the practice of his profession until the breaking out of the Civil War, in 1861. He has often been called upon to fill important positions of office and trust and has ever been alive to the best interest of his constituents, discharging his duties with conscientious ability. In 1849 he was chosen secretary and treasurer of the "Rockingham Farmers' Mutual Fire Insurance Company," and was re-elected annually for eight years.

He represented Exeter in the Legislatures of 1849 and 1850, and his district in the State Senate in 1869 and in 1870. In 1870 he was chosen president of the senate. In 1870 his name was brought forward by his friends as a candidate for Congress before the Republican Congressional Convention held at Dover, December 17, 1870. On the first ballot he received seventy-six votes out of two hundred and forty-four, the largest number cast for any candidate; eighty-five votes on the next ballot; but after the third ballot he withdrew in favor of Mr. Small, who was nominated and elected.

True to his principles, Mr. Gordon has been the uncompromising foe of slavery, and in the dark and trying days of 1861 was one of the boldest persons in Exeter in support of the Union, placing every dollar he owned and all he could borrow in government securities—thus showing his faith by his works. The result of this confidence was a very satisfactory accumulation of property. In 1865 he made a trip to California and Nevada in the interest of a silver mining company of Boston, and remained there one year.

At the age of eighteen, while a sophomore in Dartmouth College, Mr. Gordon united with the Congregational Church of Hanover. From that time he has continued an earnest and devoted Christian, making other matters and secular pursuits subordinate to the cause of Christ. He has taken a deep interest in Sabbath-school work, and for ten years was the superintendent of the Sabbath-school of the Second Congregational Church of Exeter, of which he was a member. He has also been one of the deacons of this church for thirty years.

The numerous benefactions of Mr. Gordon show that he has caught the spirit



*Nathl Gordon*





of the Master. His time and his money have been freely given in aid of many good enterprises. From his interest in education, he was chosen, December 15, 1866, one of the seven members comprising the "First Board of Trustees" of the Robinson Female Seminary, then just organized. He was also chairman of the Superintending School Committee of Exeter for several years. His kindness to struggling and deserving students will long be remembered, and in 1872 he gave \$1,000 to Phillip's Exeter Academy, for a scholarship for such students; in 1874 he gave \$1,000 more for the same purpose; and in 1881 gave to Dartmouth College \$1,000 for a like purpose. In 1886 he gave an additional \$1,000 for a scholarship. He is also one of the founders of the New Hampshire Orphans' Home at Franklin, N. H. In 1885 he gave to the "Home" \$1,000 to be added to their permanent fund, the interest alone to be expended in support of the institution. In 1887 he by an additional \$1,000 increased the endowment. The benefactions of Mr. Gordon are not limited to his native state. In 1880 he aided in the fund raised for General Grant by his friends. He has been a patron of the General Theological Library of Boston, and is at this time one of its vice-presidents. He has placed libraries in whaling ships for the promotion of good morals among the sailors. He has established several Sabbath-schools west of the Mississippi, and encouraged them by sending to them libraries. Mr. Gordon has also contributed liberally to the A. B. C. F. M. for the support of our missionaries in heathen lands.

In 1892 he gave to the Congregational Education Society five thousand dollars (\$5,000) as a permanent fund for the endowment of Ogden Academy, in the territory of Utah; in 1893 he gave five thousand dollars (\$5,000) more to the same society, making the endowment for Ogden Academy ten thousand dollars (\$10,000). In 1892 Mr. Gordon also gave to the A. B. C. F. M., five thousand dollars (\$5,000) for the endowment, by a permanent fund, of Tungcho Theological Seminary, near Peking, China. This institution is designed for the preparation of young Christian Chinamen to preach the gospel of Christ. In 1893 he gave an additional five thousand dollars (\$5,000) to this seminary, making the entire endowment the same as the endowment of Ogden Academy, ten thousand dollars (\$10,000). And he gives, also, to each of these last-named educational institutions, \$50 annually for the purpose of building up libraries in each for the benefit of the students.

Mr. Gordon also has a love for the grand and beautiful in nature, no less than for the enjoyment and happiness of school children. There was a pair of magnificent white oaks near the school-house at the foot of Gordon's Hill, where he first went to school, under which the children used to play. These oaks are centuries old, and were, probably, contemporaneous with the aborigines of New Hampshire. Their grandeur caught the eye of a ship-builder in 1869, in search of timber to plow the seas. He coveted them for the ribs of his ships; and made a tempting offer to the owner. It came to the ears of Mr. Gordon. He at once bought about an acre of the land, whereon the majestic oaks were standing, and gave the land and oaks to the town of Exeter for the school-house lot. The school children will continue to enjoy them for many generations, and the noble trees will stand for centuries to come, admired by all observers. He also owns a grove of oaks, of about four acres, in the village of Exeter, adjoining the academy "campus," which he gives to the town of Exeter on condition that the trees are not to be cut down.

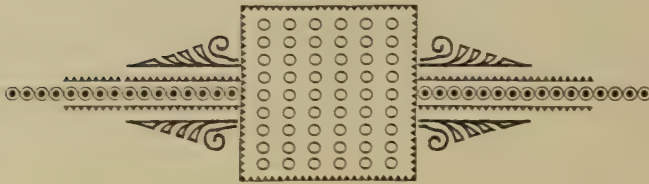
This brief sketch of Mr. Gordon would be incomplete without a few words in reference to his mother. Mr. Gordon says, her voice to him, in childhood, seemed to be the voice of God, and that he could not outgrow the feeling in manhood; that his mother had more to do in the formation of his character than all other things of

an earthly nature. It seems to him that she attained to that state of mind and heart which our Saviour enjoined upon His followers in His sermon on the Mount: "Be ye, therefore, perfect, even as your Father, which is in heaven, is perfect."

Mr. Gordon married first Alcina Eveline, daughter of Moses Sanborn, of Kingston, N. H., December the 26th, 1853. Their children were: Moses Sanborn, John Thomas (died in infancy), Nathaniel, Frances Eveline, and Mary Alcina Elizabeth. Mrs. Gordon died on the 14th of April, 1864. June 4th, 1868, he again married Georgianna, daughter of John Lowe, Jr., of Exeter. Mr. Gordon's eldest son is married, and lives in Texas. His younger son is unmarried, and lives in New York city. His oldest daughter is married to Prof. George Lyman Kittredge, of Harvard College. His younger daughter is the wife Mr. Wm. H. Foster, an instructor at St. Paul's School, Concord, N. H.

Systematic and conservative in business, Mr. Gordon has been financially prospered; but, believing that "it is not all of life to live," his gains are not the object of his worship, and in many and widely varying directions the kindness of his benefactions will be a blessing and source of happiness to many generations yet to come.

Mr. Gordon lives in simplicity and retirement on Pine street, in Exeter, on a small farm of about twenty acres of tillage land, meadow, and oak forest, with a little river meandering through the meadow.





CHAPTER CXXXIII.  
CONSTITUTIONAL HISTORY OF MASSACHUSETTS.

BY WILLIAM T. DAVIS.

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THE field of constitutional history has never been accurately defined. Its boundaries are so obscure that, while the general historian often lingers too long within its domain unmindful of the broader territory which lies beyond it, the constitutional historian is as often tempted into paths beyond its limits and to explore scenes and events outside of his legitimate jurisdiction. The writer will endeavor in the present sketch of the constitutional history of Massachusetts to confine himself strictly to the precise subject he has in hand. Such a history, as he understands it, is a history of the origin, development and later growth of the institutions of government under which the people of the commonwealth are now living. It is a sketch of the evolution of that government from its seminal principles to its present more or less perfect condition. It should begin with the seed in the hands of the sower, and, following it through its germinating stage, describe its growth with the various influences which have conduced to it, and point out the grafts on the full-grown tree which have served to perfect its fruit.

The seed of the constitutional government of Massachusetts was brought across the ocean in the "Mayflower" in 1620, and the Pilgrims of Plymouth were the sowers. It was not plucked from any parent tree in foreign lands; no scientific analysis could classify it. It was found buried in the heart of humanity, and, like those vegetable germs which have remained from the creation buried in the earth awaiting the time when exposure to the light and air and suitable conditions should add the name of a new plant to botanical nomenclature, it found in the wilderness of this western world the time and the opportunity for its development.

To the Pilgrims, then, we must look as the founders of that constitutional government, which the commonwealth of Massachusetts now enjoys, and to the persecutions they suffered at the hands of those who would stifle free thought, we must turn in our search for the soil in which that free thought finally grew. Without any reference to the circumstances under which the Pilgrim Church was organized in Scrooby in 1606, it is sufficient for the purpose of this sketch to select as a starting point the time when the members of that church made their arrangements in Leyden for their embarkation to Virginia, a territory of which New England was then a part. Their removal was intended to be something more than a mere transfer of their church. They were to form a colony as well, and to be both church and state. The compact signed by them in the cabin of the "Mayflower" in Cape Cod harbor, on the 11th of November, 1620, old style, declared that "They had undertaken for the glory of God and the advancement of the Christian faith, and the honor of their king and coun-

try, a voyage to plant the first colony in the Northern parts of Virginia." Every step they took after their decision to leave Holland for America, showed a manifest plan and purpose to establish a permanent Christian Commonwealth on these western shores.

After the refusal of King James to grant them a charter, an application was made to one of the Virginia companies for a patent or grant of lands. This company was organized in 1606, under a royal charter granted to certain knights, gentlemen, merchants and adventurers of London, covering a strip of territory along the Atlantic coast one hundred miles wide, extending from the thirty-fourth to the forty-first degree of north latitude. Another company was organized also under a charter granted at the same time to certain knights, gentlemen, merchants and adventurers in Bristol, Exeter and Plymouth, covering lands between the thirty-eighth and forty-fifth degrees, it being stipulated that the three degrees granted to both companies should be possessed by the first company occupying them. A patent was issued by the Southern company for the benefit of the Pilgrims, in the name of John Peirce and his associates, but, as it was never used, it was finally returned to the company. The Pilgrims sailed, however, with this patent in their possession, but on their arrival in Plymouth, outside of its jurisdiction, they abandoned it, and on the return of the "Mayflower" to England, in April, 1621, they sent an application to the Northern Virginia Company for a patent from that company, within whose jurisdiction they had settled. During their voyage on the 3d of November, 1620, old style, the Northern Virginia Company received from the king a new charter, under the name of "The Council established at Plymouth in the County of Devon for the planting, ruling, ordering and governing of New England in America." On the first of June, 1621, this company issued a patent in response to the application of the Pilgrims, which was brought over in the ship "Fortune" in the autumn of 1621. The terms and conditions of the first patent issued by the Southern Virginia Company are not known. That of the Council of New England bearing the signatures of the Duke of Lenox, the Marquis of Hamilton, the Earl of Warwick, Lord Sheffield, Sir Ferdinando Gorges, and another signature which is illegible, and engraved on parchment, is preserved in the hall of the Pilgrim Society, in Plymouth. Containing, as it does, the authority under which the Pilgrims acted in the formation and administration of their government, it is incorporated in this sketch for the better understanding of the foundations on which the structure of the Plymouth Colony was built. The following is its text :

"This Indenture made the first day of June 1621 And in the yeare of the raigne of our sovereigne Lord James by the grace of god King of England, Scotland Fraunce, and Ireland, defender of the faith &c that is to say of England Fraunce and Ireland the nynetenth and of Scotland the four and fiftieth Betwene the President and Counsell of New England of the one ptie And John Peirce Citizen and Clothworker of London and his Associates of the other ptie Witnesseth that whereas the said John Peirce and his Associates have already transported and undertaken to transporte at their cost and charges themselves and dyvers psons into New England and there to erect and build a Towne and settle dyvers Inhabitants for the advancement of the generall plantacon of that Country of New England now the Sayde President and Counsell in consideracon thereof and for the furtherance of the said plantacon and incoragement of the said Undertakers have agreed to grant assigne allott and appoynt to the said John Peirce and his Associates and every of them his and their heires and assignes one hundred acres of ground for evry pson so to be transported besides dyvers pryviledges Liberties and commoditytes hereafter menconed, And to that intent they have granted allotted, assigned and confirmed And by their presents doe grant allott assigne and confirme unto the said John Peirce and his Associates his and their heires and Assignes and the heires and assignes of evry of them sev-

rally and respectyville one hundred sevrall acres of ground in New England for evry pson so transported or to be transported yf the said John Peirce or his Associates contynue there three whole years either at one or severall tymes or dye in the meane season after he or they are shipped with intent there to inhabit. The same land to be taken & chosen by them their deputies or assignes in any place or places wheresoever not already inhabited by any English and where no English pson or psons are already placed or settled or have by order of said President and Councell made choyce of nor within Tenn myles of the same unles it be on the opposite syde of some great or Navigable Ryver to the former particular plantacon together with the one half of the Ryver or Ryvers that is to say to the middest thereof as shall adjoyne to such lands as they shall make choyce of together with all such Liberties pryvileges profitts & commodityes as the said Land and Ryvers which they shall make choyce of shall yield together with free libertie to fish on and upon the coast of New England and in all havens, ports and creeks Thereunto belonging and that no pson or psons whatsoever shall take any benefit or libertie of or to any of the grounds or the one half of the Ryvers aforesaid excepting the free use of highways by land and Navigable Ryvers but that the said undertakers and planters their heires and assignes shall have the sole right and use of the said grounds and the one half of the said Ryvers with all their profitts and appurtenances. And for as much as the said John Peirce and his associates intend and have undertaken to build Churches Schooles, Hospitalls Town Houses, Bridges and such like workes of charytie, as also for the maynteyning of Magistrates and other inferior officers in regard whereof and to the end that the said John Peirce and his Associates his and their heires and assignes may have wherewithal to beare & support such like charges Therefore the said President and Councill aforesaid do graunt unto the said Undertakers their heirs and assignes Fifteene hundred acres of Land moreover and above the aforesaid possescon of one hundred the pson for evry Undertaker and Planter to be ymployed upon such public uses as the said Undertakers & Planters shall thinck fitt, And they do further graunt unto the said John Peirce and his Associates their heirs and assignes that for evry pson that they or any of them shall transport at their owne proper costs & charges into New England either unto the Lands hereby graunted or adjoyninge to them within seaven years after the feast of St John Baptist next coming if the said pson transported contynue there three whole years wither at one or severall tymes or dye in the meane season after he is shipped with intent there to inhabit that the said pson or psons that shall so at his or their owne charges transport any other shall have graunted and allowed to him and them and his & their heires respectyvelie for evry pson so transported or dyeing after he is shipped one hundred acres of Land and also that evry pson or psons who by contract & agreement to be had & made with the said Undertakers shall at his & thsir owne chaige transport him & themselves or any others and setle and plant themselves in New England within the said seaven yeeres for three yeeres space as aforesaid or dye in the meane tyme shall have graunted & allowed unto evry pson so transporting or transported and their heires and assignes respectyvely the like number of one hundred acres of land as aforesaid the same to be by him & them or their heires or assignes chosen in any entyre place together and adjoyning to the aforesaid Lands and not straglingly not before the tyme of such choyce made possessed or inhabited by any English Company or within tenne myles of the same except it be on the opposite syde of some great Navigable River as aforesaid; Yielding and paying unto the said President and Counsell for evry hundred acres so obteyned and possessed by the said John Peirce and his said Associates and by those said other psons and their heires & assignes who by contract as aforesaid shall at their owne charges transport themselves or others the Yerely rent of two shillings at the feast of St Michael Tharchaungell to the hand of the Rent gatherer of the President & Counsell and their successors forever the first payment to begyn after the xperacon of the first seaven years next after the date hereof And further it shall be lawful to and for the said John Peirce and his Associates and such as contract with them as aforesoid their Tennants & servants upon dislike of one in the country to returne for England or elsewhere with all their goods & chattells at their will & pleasure without lett or disturbance of any paying all debts that justly shalbe demanded And likewise it shall be lawful and is granted to and for the said John Peirce his Associates & Planters their heires & assignes their Tennants & servants and such as they or any of them shall contract with as aforesaid and send and ymploy for the said plantacon to goe & returne trade traffic import & transport their goods & merchandise at their will & pleasure into England or elsewhere paying only such duties to the King's majestie



his heires and successors as the President & Counsell of New England doe pay without any other taxes Imposicons burthens or restraints whatsoever upon them to be ymposed the rent hereby reserved being only excepted. And it shall be lawfull for the said Undertakers & Planters their heires & successors freely to truck trade & traffig with the salvages in New England or neighboring thereabouts at their wills and pleasures without lett or disturbance, As also to have libertie to hunt hauke fish or fowle in any place or places not now or hereafter by the English inhabited. And the said President & Counsell do covenant & promyse to and with the said John Peirce and his Associates and others contracted with as aforesaid his and their heires & assignes, That upon Lawfull survey to be had & made at the charge of the said Undertakers & Planters and lawfull informacon given of the bounds meets and quantytee of Land so as aforesaid to be by them chosen & possessed they the said President and Counsell upon surrender of this presente graunt & Indenture and upon reasonable request to be made by the said Undertakers & Planters their heires & assignes within seaven Yeeres now next coming shall and will by their Deed Indented and under their Comon Seale graunt enfeoffe and confirme all and evry the said lands to sett out and bounded as aforesaid to the said John Peirce and his associates and such as contract with then their heires & assignes in as large and beneficiall manner as the same are in these presence graunted or intended to be graunted to all intents & purposes with all and every particular privilege & freedome reservacon & condicion with all dependances herein specyified & graunted. And shall also at any tyme within the said terme of Seaven Yeeres upon request unto the said President & Counsell make graunt unto them the said John Peirce and his Associates Undertakers & Planters their heires & assignes Letters & Graunts of Incorporacon by some usual and fitt name & tytyle with Liberty to them and their successors from tyme to tyme to make orders Lawes ordynaunces & constitucons for the rule government ordering & dyrecting of all psons to be transported & settled upon the lands hereby graunted intended to be graunted or hereafter to be graunted and of the said Lands & proffitts Thereby arrysing. And in the meane tyme until such graunt made yt shall be lawfull for the said John Peirce his Associates & Undertakers & Planters their heires & assignes by consent of the greater part of them To establish such lawes & ordynaunces as are for their better government and the same by such officer or officers as they shall by most voyces elect & choose to put in execucon. And lastly the said President & Counsell do graunt and agree to and with the said John Peirce and his Associates and others contracted with and employed as aforesaid their heires and assignes That when they have planted the Lands hereby to them assigned & appoynted That then it shalbe lawfull for them with the pryvitie & allowance of the President & Counsell as aforesaid to make choyce of to enter into and to have an addition & of fiftie acres more for evry pson transported into New England with like reservacons conditions privileges as are above graunted to be had and chosen in such place or places where no English shalbe then settled or inhabiting or have made choyce of and the same entered into a Book of Acts at the time of such choyce is to be made or within tenne myles of the same excepting on the opposite syde of some great Navigable River as aforesaid. And it shall and may be lawfull for the said John Peirce and his Associates their heires & assignes from tyme to tyme and at all tymes hereafter for their severall defence and savetie to encounter repulse repell & resist by force of Armes well as by Sea as by Land and by all wayes and meanes whatsoever all such pson and psons as without the especiall lycense of the said President or Counsell and their successors or the greater part of them shall attempt to inhabit within the several presincts and lymitts of their said Plantacon, or shall enterpryse or attempt at any tyme hereafter destrucion Invation detymment or annoynance to the said Plantacon. And the said John Peirce and his Associates and their heires & assignes do covenant & promyse to & with the said President & Counsell and their successors That they the said John Peirce and his Associates from tyme to tyme during the said Seaven Yeers shall make a true Certificate to the said President & Counsell and their successors from the chief officers of the places respectyvely of evry pson transported & landed in New England or shipped as aforesaid to be entered by the Secretary of the said President & Counsell into a Register book for that purpose to be kept And the said John Peirce and his Associates jointly and severally for them their heires & assignes do covenant promyse & graunt to and with the said President & Counsell and their successors That the psons transported to this their particular Plantacon shall apply themselves & their Labors in a large & competent manner to the planting setting making & procuring of goods & staple commodityes in & upon the said Land hereby graunted unto them as corne & silk grane hemp, flax pitch and tarre sope-

ashes and polashes yron, clapboard and other the like materealls. In Witness whereof the said President & Counsell have to the one part of the present Indenture sett their seales. And to the other part hereof the said John Peirce in the name of himself and his said Associates have sett to his seale given the day and yeere first above written."

Further reference to the above patent will be made after a consideration of the Pilgrim Compact. It has already been stated that on the 11th of November, 1620, old style, the day of the arrival of the "Mayflower" in Cape Cod harbor, a compact was drawn up and signed by all the male members of the company. It must be remembered that Cape Cod harbor and the anticipated place of settlement lay outside of the jurisdiction of the patent issued by the Southern Virginia Company, which extended no farther north than the neighborhood of New York, and that consequently the "Mayflower" passengers were a band of individuals bound together by no restraining authority and possessing no power except by unanimous consent to formulate rules of conduct. Surrounded by conditions incident to such a situation and, as stated in *Mourts Relation*, "observing some not well affected to unity and concord, but gave some appearance of faction, it was thought there should be an association and agreement, that we should combine together in one body and to submit to such government and governors as we should by common consent agree to make and choose and set our hands to this that follows word for word."

"In the name of God Amen. We whose names are underwritten, the loyall subjects of our dread soveraigne, Lord King James by the grace of God, of Great Britaine, France and Ireland King, defender of the faith, &c., haveing undertaken for the glorie of God, and advancemente of the Christian faith, and honor of our King and countrie, a voyage to plant the first colonie in the northerne parts of Virginia, do by these presents solemnly and mutually in the presence of God, and one of another, covenant and combine ourselves together into a civill body politick, for our better ordering and preservation and furtherance of the ends aforesaid; and by vertue hereof to enact constitute and frame such just and equall lawes ordenances acts constitutions and offices, from time to time as shall be thought most meete and convenient for the generall good of the colonie, unto which we promise all due submission and obedience. In Witness whereof we have hereunder subscribed our names at Cap-Codd the 11 of November in the year of the raigne of our soveraigne lord King James of England, France and Ireland the eighteenth and of Scotland the fifty fourth. Ano Dom 1620."

This Compact was probably intended for a temporary purpose and was practically displaced by the Patent issued by the Northern Virginia Company in the next year. So far as the enactment of laws and the election of officers were concerned, the difference between the two instruments lay chiefly in the words of the former implying the necessity of common consent or a unanimous vote, and those of the latter requiring only the most voices or a majority. The two can, however, be very properly considered together, the compact by a common consent binding the signers to laws and officers enacted and chosen by a majority. The words "laws, ordinances and constitutions" used in the Compact and in the Patent suggest the probability that they were copied from the Patent of the Southern Virginia Company, which they abandoned and were the usual words incorporated in the grants of both Companies.

It is a matter of some significance, and one which the writer has never seen commented upon, that a Patent issued by an English Company acting under a royal charter should, in the summer of 1621, have authorized the colonists "to establish such laws and ordinances as are for their better government and the same by such

officer or officers as they shall by most voices elect and choose to put in execution," thus recognizing a democratic government, the establishment of which has always been considered the structure of which the Compact was the foundation stone.

The fact that the Compact was signed by the "Mayflower" Company alone seems to show conclusively that it was considered as having no efficacy after the receipt of the subsequent Patent in November, 1621. The passengers by the "Fortune" in 1621 signed no such compact, nor did those by the "Ann" and "Little James" in 1623, and yet they were as strictly members of the Colony as the passengers by the "Mayflower." And yet it seems to have been recognized by the General Court of the Colony in 1636 as one of the sources of its authority. One of the early enactments of the Court declared "that now being assembled according to order and having read the Combination made at Cape Cod, the 11th of November, 1620 in the year of the reign of our late sovereign Lord King James of England, France and Ireland, the eighteenth, and of Scotland the fifty-fourth, as also our letters Patents confirmed by the honorable council his said Majestie established and granted the 3rd of January 1629, in the fifth year of the reign of our sovereign Lord King Charles ; and finding that as free born subjects of the State of England we hither came endowed with all and singular privileges belong to such in the first place we think good that it be established for an Act, That according to the due privilege of the subject aforesaid, no imposition, law or ordinance be made or imposed upon us by ourselves or others at present, or to come, but such as shall be made or imposed by consent according to the free liberties of the State and Kingdom of England and not otherwise."

It may be said, however, that until the issue of the patent of 1629 referred to in the above extract the colony was undoubtedly administered under the authority of the Patent of 1621. Little, however, was done which concerns the constitutional history of Massachusetts. A governor had been chosen annually, and on the 27th of February, 1621, Miles Standish had been chosen captain. In April, 1621, Isaac Allerton had been chosen assistant, who officiated alone until 1624, when he was chosen with three others. Few laws had been passed relating chiefly to necessary police regulations, the division of lands and the settlement of estates. Of these there is no record extant, and the dates of their adoption are unknown. Of course, they were entered in some official record, but on the 15th of October, 1636, they were revised, and such as were retained appear in the Plymouth colony records as of that date. This was the first revision of the laws, and, as entered in the records, contains many bearing the date of 1636, which had doubtless been in force a number of years. The Patent of 1629 was issued by the president and council for New England on the 13th of January in that year. The former patent, issued in 1621, gave the colony a specified number of acres of land for each person and fifteen hundred other acres for the purpose of building "Churches, Schools, Hospitals, Town-houses, Bridges and such like works of charity," "as also for the maintaining of Magistrates and other inferior officers." But after all the lands which, under a contract with the merchant adventurers of London were at the end of seven years to be divided between the merchants and the colony, had after long negotiations come into the sole possession of the colonists, they made application to the council for a new patent defining the boundaries of their grant. This patent, issued January 13, 1629, fixed the bounds of what has since been known as the Old Colony, to wit, starting at a point on Massachusetts Bay between Scituate and Cohasset and thence to Providence river and down Narraganset Bay through Saconet river to the ocean, including Bristol, Warren, Barrington, Cumberland, Little Compton and Tiverton. In other respects the patent was similar to the Patent of 1621, except that it was issued to William Bradford and his associates,



instead of John Peirce and his associates, and said nothing about most voices in the enactment of laws and in the election of officers, leaving it, however, to be inferred that a majority would be sufficient.

After the issue of the new Patent Plymouth Colony took on more thoroughly the forms and methods of a regularly organized body politic. A general court was established, composed of the whole body of freemen and deriving its name from its popular composition. One of the early enactments provided "that the laws and ordinances of the colony and for the government of the same be made only by the freemen of the corporation and no others." The freemen were at first the signers of the compact, and such persons as might be added by a majority vote. In 1656 it was ordered that "such as are admitted to be freemen of the corporation, the deputies of such towns where such persons live shall propound them to the court, being such as have been also approved by the freemen in that town where such persons live." The deputies referred to were the representatives to the General Court, which, in 1639, after the population of the colony became scattered and found it impracticable to attend in a body, were chosen by the different towns to represent them. In 1674, a law was passed requiring the names of the freemen in each town to be recorded, and that no man should be admitted by the court to be a freeman unless he be approved by the majority of the freemen in his town. It was also enacted in 1658, "That all such as refuse to take the oath of fidelity, as Quakers, or such as are manifest encouragers of such, shall have no voice in choice of public officers in the place where they dwell, or shall be employed in any place of trust while they continue such; that no Quakers, Rantors or any such corrupt person shall be admitted to be a freemen of this corporation; that all such as are opposers of the good and wholesome laws of this colony or manifest opposers of the true worship of God, or such as refuse to do the country service, being called thereunto, shall not be admitted freemen of this corporation, being duly convicted of all or of any of these; and that if any person or persons that are or shall be freemen of this corporation are Quakers, or such as are manifest encouragers of them, and so judged by the court and of the laws thereof, and such as judged by the court gravely scandalous, as liars, drunkards, swearers, etc., shall lose their freedom of this corporation." It was finally enacted, in 1671, "That freemen must be twenty-one years of age, of sober and peaceable conversation, orthodox in the fundamentals of religion, and possessed of twenty pounds of ratable estate in the colony."

The General Court then, until 1639, was composed of all the freemen and chose the officers and made the laws. In the early years of the colony its officers were chosen on the 23rd of March, afterwards on the 1st of January, then, by a law passed in 1636, on the first Tuesday in March, and after 1641 on the first Tuesday in June. In 1638 the following act was passed, which, though antedated by a similar act in the Massachusetts colony, is inserted here, in order that the gradual evolution of the Plymouth Colony may be more clearly set forth:

"Whereas complaint was made that the freemen were put to many inconveniences and great expense by their continual attendance at the Courts, it is therefore enacted by the Court for the ease of the severall colonies and townes within the Government, That every Towne shall make choyce of two of their ffreemen, and the Towne of Plymouth of four to be Committee or Deputies to joyne with the Bench to enact and make all such lawes and ordinances as shall be judged to be good and wholesome for the whole. Provided that the lawes they doe enact shall be ppounded one Court to be considered upon until the next Court, and then to be confirmed if they shalbe approved of (except the case require present confirmacon). And if any Act shalbe confirmed by the Bench and Committees which upon further deliberacon shall prove prejudicial to

the whole, That the freemen at the next elecon Court after meeting together, may repeale the same and enact any other usefull for the whole ; and that every Township shall beare their Committees charges ; and that such as are not freemen but have taken the oath of fidelity and are masters of famylies and Inhabitants of the said Townes, as they are to beare their part in the charges of their Committees, are to have a vote in the choyce of them, provided they choose them only of the ffreemen of the said Towne whereof they are ; but if any such Committees shall be insufficient or troublesome that then the Bench and the other Committees may dismiss them and the Towne to choose other ffreemen in their place."

The enactment of a somewhat similar law by the Massachusetts colony, as above referred to at an earlier date, was rendered necessary by the larger population of that colony. But up to that time the Massachusetts colony had been much less democratic than the Plymouth colony. At a General Court of the Massachusetts colony, held October 19, 1630, "it was ppounded if it were not the best course that the ffreemen should have the power of chuseing Assistants when there are to be chosen & the Assistants from amongst themselves to chuse a Govnr & Deputy whoe with the Assistants should have the power of making lawes & chuseing officers to execute the same. This was fully assented unto by the genall vote of the people & erecon of hands."

But notwithstanding the establishment of the new General Court, composed of deputies from the various towns, the whole body of freemen still constituted the electors and annually chose the officers. The new General Court had only the power to enact laws, and even these the freemen might repeal on the next general election day. The provision in the law that each town should pay its own delegates might, if in force to-day, conduce to short sessions, and the other provision that a law should be acted on by two legislatures would, in these days, relieve the people of Massachusetts from ill-considered legislation and place the statutes on a more firm and stable foundation.

One of the earliest enactments of the General Court, passed December 17, 1623, provided "That all criminal facts and also all matters of tresspass and debts between man and man should be tried by the verdict of twelve honest men to be impanelled by authority in form of a jury upon their oaths." The chief officers then of the colony before 1639 were a governor and first one, then four, and later seven assistants. The powers and duties of the General Court were to enact laws, and hold trials, incorporate towns, establish courts of justice, grant lands and, generally, to do such acts as might be for the good of the colony. Until 1636 all trials were had in the General Court, but in that year it was provided that the governor and two assistants might try civil cases involving any amount not exceeding forty shillings and criminal cases involving a small fine. A further reference to this subject will be made under the head of Courts. In 1636 the powers and duties of the governor were defined by law as consisting "in the execution of such laws & ordinances as shall be made and established for the good of the corporation according to the severall bounds and limits thereof, viz. : In calling together or advising with the Assistants or Councell of the said corporation upon such material occasion (or so seeming to him) as time shall bring forth : In which assembly and all others the Governor to propound the occasion of the assembly and have a double voice therein. If the Assistants judge the case too great to be decided by them and refer it to the General Court then the Governor to summon a Court by warning all the ffreemen aforesaid that are then extant and there also to propound causes and go before the Assistants in the examination of particulars and to propound such sentence as shall be determined : further it shall be lawful to him to arrest and commit to ward any offenders :

provided that with all convenient speede he shall bring the cause to hearing either of the Assistants on General Court according to the nature of the offense. Also it shall be lawful for him to examine any suspicious persons for evil against the colony, as to intercept or oppose such as he conceiveth may tend to the overthrow of the same."

In the same year it was provided by the General Court, "that the office of an Assistant for the time being consisteth in appearing at the Governor's summons, and in giving his best advice, both in public Court and in private Council with the Governor, for the good of the colonies within the limits of this government. To have a voice in the censuring of such offenders as shall not be brought to public Court. That if the Governor have occasion to be absent from the Colony for a short time, by the Governor with the rest of the Assistants he may be deputed to govern in the absence of the Governor. Also it shall be lawful for him to examine and commit to ward where any occasion ariseth when the Governor is absent provided the person be brought to further hearing with all convenient speed before the Governor or the rest of the Assistants. Also it shall be lawful for him in his Majesties name to direct his warrants to any constable within the Government who ought faithfully to execute the same according to the nature and tenure thereof; and may bind over persons for matters of crime to answer at the next ensuing Court of his Majestie after fact committed or the persons apprehended." A further reference will be made to the assistants in connection with the courts.

In the early days of the colony there was no deputy-governor. Authority was given in the above law to the assistants to appoint one of their number to govern in the governor's absence, and in 1651 authority was given to the governor to depute an assistant to act in his absence as deputy-governor. In 1679 it was enacted that a deputy-governor should be annually chosen.

Among the important early acts of the General Court was one passed in 1633, requiring "that the wills and testaments of them that die be proved orderly before the governor and council within one month after the decease of the testator, and that a full inventory duly valued be presented with the same before letters of administration be granted to any or all the goods and chattels of the said persons. Or, if in case any man die without will, his goods be by his wife or other nearest to him inventoried and duly valued and presented to the governor and council within one month after the decease of the same person so dying. And if it be a single person without kindred here resident, that then the governor appoint some to take a just and to present the same inventory of the same upon oath to be true and just as in other the cases before mentioned." The registration of deeds was begun in 1627, about thirty years before its permanent establishment in England.

In 1636 a secretary was chosen by the General Court, and later a treasurer, and finally other officers were chosen, until the machinery of government was perfected. With regard to towns incorporated by the General Court, an attempt has been made by some writers to show that they were shaped after some mysterious model in ancient or modern times. But the time spent in exploring this subject is, in the opinion of the writer, wasted. They were simply the necessary aggregations of population in certain localities, which must be governed in some way; and the various enactments concerning them were such as were essential to the welfare of each community. And so with regard to some of the officers of the towns and the colony, imaginary models have been discovered in early English or other history. Thus, in choosing Miles Standish captain, and in appointing a "Court of Guard" in 1621, it has been suggested that the Pilgrims were establishing a martial colony



after some primitive type of which Standish was the "Roman *Prætor*, earl-marshal or lord high constable." The fact is, Standish was chosen to organize protection against Indian attacks, and the "Court of Guard was simply a night-watch." Nor can the title of "Selectmen" be referred to the *tun-gerefa* of the old Anglo-Saxon township, for they were merely a necessary board of officers to take charge of town affairs. The fact is that the Pilgrims were shrewd, practical business men, intent on the establishment of a permanent Christian commonwealth, and they exercised the wisdom of statesmen in meeting its varying conditions.

In 1685 the General Court divided the colony into three counties—Plymouth, Bristol and Barnstable. Before that time there were four courts in the colony—the General Court, the Court of Assistants, the Selectmen's Court and the Court of Admiralty. Under a law passed in 1666, the General Court was held three times in each year for the trial of causes. The Court of Assistants also met three times yearly to try capital, criminal and civil causes, and to receive and try all appeals from the inferior courts. The Selectmen's Court heard all causes wherein either party was an inhabitant of their town, and where the debt, trespass or damage did not exceed forty shillings. The Admiralty Court consisted of the governor and three or four assistants, with such other substantial persons as the governor might appoint; and determined all matters and causes within their jurisdiction. After 1685 it was ordered that two County Courts should be kept in each county by the assistants living in the several counties, "or by any other assistant that can attend the same or by such as the General Court shall appoint from time to time; and to make a court there shall be present not less than three assistants, and in no case shall judgment be given without there be two consenting or the major part if there be more than four judges; and, in the absence of the governor or deputy-governor, the eldest assistant shall be president of the court." These courts were authorized to appoint clerks, county treasurer and other needful officers, and their jurisdiction included "all matters, actions, causes and complaints (civil or criminal) in cases not extended to life, or banishment or matters of divorce." They were also the Probate Court, and had charge of highways and bridges, and their clerks were the recorders of deeds.

Such was the condition of the colony until 1686. Though exercising sovereign authority, it never received a charter from the king, and it is a remarkable fact that up to that date there was no interference with its government by either king or protector, and the colony was during that whole period as republican and free as Massachusetts to-day. In 1686 Edmund Andros, who had been governor of the province of New York, under an appointment made by the Duke of York, arrived in Boston on the 21st of December, with a commission from James the Second to act as governor of New England. Under his administration the colonial government was superseded. He appointed thirty-nine councillors, and delegated the power to make and execute laws to the governor and council, subject to the approval of the Crown. He declared all public lands vested in the king, and required holders of estates to prove their title. The governor and council were made a Court of Record, and justices of the peace were authorized to try cases concerning lands not involving a sum more than forty shillings. He established a Quarterly Sessions Court to be held by the justices in their respective counties, and an Inferior Court of Common Pleas to be held in each county by a judge, assisted by two or more justices of the county, with a jurisdiction in Boston limited to £20, and in other counties to £10. He further established a Superior Court of Judicature, with jurisdiction over all civil and criminal matters in the colony, and in which no action could be begun for the recovery of less than £10, unless a question of freehold was involved. This

court had three judges: Joseph Dudley, chief justice, and, at various times, William Stoughton, Peter Bulkley, Samuel Shrimpton, Simon Lynde, Charles Lidget, John West and John Usher. When advices of the English Revolution, and of the accession of William and Mary were received in Boston, Andros was deposed and sent to England, and the administration of affairs as conducted before his assumption of power was resumed.

Soon after the deposition of Andros, Massachusetts began to take steps to secure a confirmation of its old charter. Connecticut and Rhode Island had been the recipients of royal charters, and the Plymouth colony thought that they also should be the subjects of royal favor. Agents were sent to England by both colonies, and Governor Slauter, of New York, made also a movement to secure the annexation of Plymouth colony to his province. The result was that a new charter, embracing Massachusetts, Plymouth, Maine, Nova Scotia and the intervening territory in one government, by the name of the "Province of Massachusetts Bay in New England," passed the seals on the 7th of March, 1691, and reached Boston May 14, 1692.

Thus the life of the Plymouth Colony came to an end. Dedicated by the Pilgrims in their memorable compact "to the glory of God and the advancement of the Christian faith," it had run through its career of more than three-score years and ten a free and independent state, which in its final dissolution left behind it the germs of a grander republic, extending, two centuries later, from the Atlantic to the Pacific.

THE MASSACHUSETTS COLONY.—The official name of the Massachusetts Colony was "The Governor and Company of the Massachusetts Bay in New England," and its charter was dated March 4, 1628-9. Though somewhat long, the charter is inserted here, with some omissions, indicated by stars:

"Charles by the Grace of God of England, Scotland France and Ireland Defendor of the Fayth, To all to whome Theis Presents shall come Greeting. Whereas our most deare and royall father King James of blessed memory, by his Highness letters patents beareing date at Westminster the third day of November, in the eighteenth yeare of his raigne hath given and graunted unto the Councell established at Plymouth in the County of Devon, for the planting ruling ordering and governing of Newe England in America, and to their successors and assignes forever; All that parte of America lyeing and being in bredth from forty degrees of northerly latitude from the equinoctiall lyne to forty-eight degrees of the saide northerly latitude inclusively, and in length and within all the breadth aforesaid throughout the main landes from sea to sea, . . . . To the sole and proper use benefitt and behoofe of them the saide Councell and their successors and assignes forever: To be holden of our saide most deare and royall father his heires and successors as of his mannor of Eastgreenewich in the County of Kent in free and comon Soccage, and not in Capite nor by Knight's service. Yielding and paying therefore to the saide late Kinge his heirs and successors the fiftte parte of the oare of gould and silver which from tyme to tyme and and at all tymes there after happen to be found gotten had and obteyned in att or within any of the saide landes lymitts territorities and precintts or in or within any parte or parcell thereof for or in respect of all and all manner of duties demaunds and services whatsoever to be don made or payde to our saide deare father the late Kinge his heires and Successros, . . . . And whereas the saide Councell established at Plymouth in the County of Devon for the plantinge ruling ordering and governing of New England in America have by their deede indented under their comon seale bearing date the nyneteenth day of March last past in the third yeare of our raigne given graunted bargained souldre enfeoffed aliened and confirmed to Sir Henry Rosewell and his associates their heirs and associates for ever, All that parte of Newe England in America aforesaid which lyes and extends betweene a greate river there commonlie called Monomack alias Merrimack and a certen other river there called Charles river being in the bottome of a certayne bay there comonlie called Massachusetts alias Mattachusetts, alias Massatusetts bay and also all and singular those landes and hereditaments whatsover lyeing within the space of three English myles on the south parte of the saide Charles river or of any in everie parte thereof; And also all

and singular the landes and hereditaments whatsoever lying and being within the space of three English myles to the Southward of the Southermost parte of the saide bay called Massachusetts alias Mattachusetts alias Massatusets bay; And also all those landes and hereditaments whatsoever which lye and be within the space of three English myles to the northward of the saide river called Monomack alias Merrymack on to the northward of any and every parte thereof; And all landes and hereditaments whatsoever lying within the lymitts aforesaide, north and south in latitude and bredth and in length and longitude of and within all the bredth aforesaide throughout the mayne landes there from the Atlantick and westerne sea and ocean on the easte parte to the south sea on the west parte and all landes . . . . lying within the said boundes and lymitts and everie parte and parcell thereof; And also all islandes lying in America aforesaide in the saide seas or either of them on the westerne or easterne coasts or partes of the said tracts of lande by the saide indenture menconed to be given graunted bargained sould enfeofed aliened and confirmed or any of them; And also all mynes and myneralls as well royal mynes of gould and silver as other mynes and myneralls whatsoever in the saide landes and premises or any parte thereof; . . . . Yielding and payeing therefore unto us our heires and successors the fite parte of the oare of goulde and silver which shall from tyme to tyme and all tymes hereafter happen to be founde gotten had and obteyned in any of the saide landes within the saide lymitts or in or within any parte thereof for and in satisfacon of all manner duties demaunds and services whatsoever to be donn made or paid to us our heires or successors as in and by the said recited indenture more at large may appease. Nowe knowe yee that wee at the humble suite and peticon of the said Sir Henry Rosewell and others whome they have associated unto them Have for divers good causes and consideracons us moveing graunted and confirmed And by theis presents of our especiall grace certen knowledge and mere mocon doe graunt and confirme unto the saide Sir Henry Rosewell and his Associates their heires and assignes All the said parte of Newe England. . . . To have and to hould the saide of parte Newe England in America and other the premisses hereby menconed to be graunted and confirmed and every parte and parcell thereof with the appurtenancies to the saide Sir Henry Rosewell and his Associates theire heires and assignes forevermore. To be holden of us our heires and successors . . . . and also yielding and paying therefore to us our heires and successors the fite parte onlie of all oare of gould and silver which . . . . shalbe there gotten had or obteyned for all services exacons and demaunds whatsoever according to the tenure and reservacon in the said recited indenture expressed. And further knowe yee That of our more especiall grace certen knowledg and mere mocon Wee have given and graunted And by theis presents doe for us our heires and successors give and graunt unto the said Sir Henry Rosewell and his associates, their heires and assignes All that parte of Newe England in America which lyes and extendes betweene a great river there comonly called Monomack river alias Merrimack river and a certen other river there called Charles river being in the bottome of a certen bay there comonlie called Massachusetts alias Mattachusetts alias Massatusets bay; And also all and singular those landes and hereditaments whatsoever lying within the space of three English myles on the south parte of the saide river called Charles river or of any or every parte thereof; And also all and singular the landes and hereditaments whatsoever lying and being within the space of three English myles to the southward of the southermost parte of the saide baye called Massachusetts alias Mattachusetts alias Massatusets bay; And also all those landes and hereditaments whatsoever which lye and be within the space of three English myles to the northward of the saide river called Monomack alias Merrymack or to the norward of any and every parte thereof and all lands and hereditaments whatsoever lying within the lymitts aforesaide north and south in latitude and bredth and in length and longitude of and within all the bredth aforesaide throughout the mayne landes there from the Atlantick and westerne sea and ocean on the east parte to the South sea on the west parte; And all the landes . . . . whatsoever lying within the said boundes and lymitts and every parte and parcell thereof and also all islandes in America aforesaide in the saide seas or either of them on the westerne or easterne coastes or partes of the saide tracts of landes hereby menconed to be given and graunted or any of them and all mynes and myneralls . . . . whatsoever in the said landes and premisses or any parte thereof and free libertie of fishing in or within any the rivers or waters within the boundes and lymitts aforesaid and the seas thereunto adjoining; And all fishes, royal fishes whales balan



sturgions and other fishes of what kinde or nature soever that shall at any tyme hereafter be taken in or within the saide seas or waters or any of them by the said Sir Henry Rosewell and his Associates their heires and assignes or by any other person or persons whatsoever there inhabiting by them or any of them to be appointed to fishe therein. Provided Always that yf the said landes islandes or any other the premisses herein before menconed and by theis presents intended and meant to be graunted were at the tyme of the graunting of the saide former letters patents dated the third day of November in the eighteenth yeare of our said deare fathers raigne aforesaide actually possessed or inhabited by any other Christian Prince or State or were within the boundes lymitts or territories of that Southerne Colony then before graunted by our said late father to be planted by divers of his loveing subjects in the south partes of America, That then this present graunt shall not extend to any such partes or parcells thereof soe formerly inhabited or lying within the boundes of the southerne plantacon as aforesaide, but as to those partes or parcells soe possessed or inhabited by such Christian Prince or State or being within the boundes aforesaid shalbe utterly voyd theis presents or any thing therein conteyned to the contrarie notwithstanding. To have and to hould preserve and enjoy the saide partes of Newe England . . . . with the appurtenances unto the said Sir Henry Rosewell and his Associates their heires and assignes forever to the onlie proper and absolute use and behoufe of the said Sir Henry Rosewell and his Associates their heires and assignes forevermore. To be holden of us . . . . and also yielding and paying therefore to us our heires and successors the fiftte parte onlie of all oare of gould and silver which from tyme to tyme and at all tymes hereafter shalbe there gotten had or obteyned for all services exacons and demaundes whatsoever. . . . And for as much as the good and prosperous successe of the plantacon of the saide partes of Newe England aforesaid intended by the said Sir Henry Rosewell and his Associates to be speedily sett upon cannot but cheifly depend next under the blessing of Almighty God and the support of our royall authoritie upon the good government of the same, To the ende that the affaires and buyssinnes which from tyme to tyme shall happen and arise concerning the saide landes and the plantation of the same maie be the better managed and ordered Wee have further hereby . . . . graunted and Confirmed And for us our heires and successors doe give graunt and confirme unto our saide trusted and welbeloved subjects Sir Henry Rosewell and his Associates; And for us our heires and successors wee will and ordeyne That the said Sir Henry Rosewell and Associates and all such others as shall hereafter be admitted and made free of the Company and Society hereafter menconed shall from tyme to tyme and at all tymes for ever hereafter be by vertue of theis presents one body corporate and politique in fact and name by the name of the Governor and Company of the Massachusetts Bay in Newe England . . . . Wee doe for us our heires and successors make ordeyne constitute and confirme by theis presents and that by that name they shall have perpetuall succession; And that by the same name they and their successors shall and maie be capeable and enabled as well to implead and to be impleaded and to prosecute demand and aunswere and be aunswared unto in all and singuler suites causes quarrells and accons of what kinde or nature soever. And also to have take possesse acquire and purchase any landes tenements or hereditaments or any goodes or chattells And the same to lease graunt demise alien bargainne sell and dispose of as other our liege people of this our realme of England or any other corporacon or body politique of the same maie lawfullie doe; And further that the said Governor and Companye and their successors maie have for ever one comon seale to be used in all causes and occasions of the said Company and the same seale maie alter chaunge breake and newe make from tyme to tyme at their pleasures. And our will and pleasure is And wee doe hereby for us our heires and successors ordeyne and graunte That from henceforth for ever there shalbe one Governor one Deputy Governor and eightene Assistants of the same Company to be from tyme to tyme constituted elected and chosen out of the freemen of the saide Company for the tyme being in such manner and forme as hereafter in theis presents is expressed. Which said officers shall applie themselves to take care for the best disposing and ordering of the generall buyssines and affaires of for and concerning the saide landes and premisses hereby menconed to be graunted and the plantacon thereof and the government of the people there. And for the better execucon of our royall pleasure and graunte on this behalf wee doe by theis presents for us our heires and successors nominate ordeyne make and constitute our welbeloved the said Matthew Cradocke to be the first and present Governor of the said Company and the saide Thomas Goffe to be Deputy Governor of the saide Company and the saide Sir Richard Saltonstall, Isaack Johnson Samuel Alderney John

Ven, John Humfrey John Endecott Simon Whetcombe, Increase Noell, Richard Pery Nathaniel Wright, Samuel Vassall Theophilus Eaton Thomas Adams, Thomas Hutchins John Browne George Foxcroft William Vassall and William Pinchon to be the present Assistants of the saide Company to continue in the saide severall offices respectivelie for such tyme and in such manner as in and by theis presents is hereafter declared and appointed, And further wee will and by theis presents for us our heirs and successors doe ordeyne and graunt That the Governor of the saide Company for the tyme being or in his absence by occasion of sicknes or otherwise the Deputie Governor for the tyme being shall have authoritie from tyme to tyme upon all occasions to give order for the assembling of the saide Company and calling them together to consult and advise of the businesses and affaires of the saide Company. And that the said Governor Deputie Governor and Assistants of the saide Company for the tyme being shall or maie once every moneth or oftener at their pleasures assemble and houlde and keepe a Courte or Assemblie of themselves for the better ordering and directing of their affaires. And that any seaven or more persons of the Assistants together with the Governor or Deputie Governor soe assembled shalbe saide taken held and reputed to be and shalbe a full and sufficient Courte or Assemblie of the saide Company for the handling ordering and dispatching of all such bysinesses and occurrents as shall from tyme to tyme happen touching or concerning the said Company or Plantacon and that there shall or maie be held and kept by the Governor or Deputie Governor of the said Company and seaven or more of the said Assistants for the tyme being upon every last Wednesday in Hillary, Easter, Trinity and Michas termes respectivelie for ever, one great generall solembe Assemblie which four General Assemblies shall be stated and called the Four Greate and Generall Courts of the saide Company; In all and every or any of which said Greate and Generall Courts soe assembled Wee doe for us our heires and successors give and graunte to the said Governor and Company and their successors That the Governor or in his absence the Deputie Governor of the saide Company for the tyme being and such of the Assistants and freemen of the said Company as shalbe present or the greater number of them soe assembled whereof the Governor or Deputie Governor and six of the Assistants at the least to be seaven shall have full power and authority to choose nominate and appointe such and soe many others as they shall thinke fitt and that shall be willing to accept the same to be free of said Company and Body and them unto the same to admitt and to elect and constitute such officers as they shall thinke fitt and requisite for the ordering maneiging and dispatching of the affaires of the saide Governor and Company and their successors. And to make lawes and ordinaunces for the good and welfare of the saide Company and for the government and ordering of the saide landes and plantacon and the people inhabiting and to inhabit the same as to them from tyme to tyme shalbe thought meete Soe as such lawes and ordinaunces be not contrarie or repugnant to the lawes and statuts of this our realme of England. And our will and pleasure is And wee doe hereby for us our heires and successors establish and ordeyne That yearly once in the yeare for ever hereafter namely the last Wednesday in Easter tearme yearly the Governor Deputy Governor and Assistants of the said Company and all other officers of the saide Company shalbe in the Generall Court or Assembly to be held for that day or tyme newly chosen for the yeare ensuing by such greater parte of the said Company for the tyme being then and these presents as is aforesaide. Add yf it shall happen the present Governor Deputy Governor and Assistants by theis presents appointed or such as shall hereafter by newly chosen into their roomes or any of them or any other of the offices to be appointed for the said Company to dye or to be removed from his or their severall officers of places before the saide generall day of elecon (Whome we doe hereby declare for any misdemeanor or defect to be removeable by the Governor Deputy Governor Assistants and Company or such greater parte of them in any of the publique Courts to be assembled as is aforesaid) That then and in every such case it shall and maie be lawfull to and for the Governor Deputy Governor Assistants and Company aforesaide or such greater parte of them soe to be assembled as is aforesaide in any of their assemblies to procede to a newe elecon of one or more others of their Compaey in the roome or place roomes or places of such officer or officers soe dyeing or removed according to their discrecons. And ymedietely upon and after such elecon and elecons made of such Governor Deputy Governor or Assistant or any other officer of the saide Company in manner and forme aforesaid the authoritie office and power before given to the former Governor Deputy Governor or other officer and officers soe removed in whose steede and place newe shalbe soe chosen shall as to him and them and everie of them cease and determine. Provided also and our will and pleasure



is That as well such as are by theis presents appointed to be the present Governor Deputie Governor and Assistants of the said Company as those that shall succeed them and all other officers to be appointed and chosen as aforesaid shall before they undertake the execucon of their saide offices and places respectivelie take their corporall oatehs for the due and faithful performance of their duties in their severall offices and places before such person or persons as are by theis presents hereunder appointed to take and receive the same That is to saie the said Mathewe Cradock whoe is hereby nominated and appointed the present Governor of the saide Company shall take the saide oathes before one or more of the Masters of our Courte of Chancery for the tyme being unto which Master or Masters of the Chauncery Wee doe by theis presents give full power and authoritie to take and administer the said oath to the said Governor accordinglie. And after the saide Governor shalbe soe sworne then the said Deputy Governor and Assistants before by theis presents nominated and appointed shall take the severall oathes to their offices and places respectivelie belonging before the said Mathew Cradock the present Governor soe formerlie sworne as aforesaide. And every such power as shallbe at the tyme of the annuall elecon or otherwise upon death or removall be appointed to be the newe Governor of the said Company shall take the oathes to that place belonging before the Deputy Governor or two of the Assistants of the said Company at the least for the tyme being. And the newe elected Deputie Governor and Assistants and all other officers to be hereafter chosen as aforesaide from tyme to tyme to take the oathes to their places respectivelie belonging before the Governor of the said Company for the tyme being. Unto which said Governor Deputie Governor and Assistants Wee doe by theis presents give full power and authoritie to give and administer the said oathes respectively according to our true meaning herein before declared without any comission or further warrant to be had and obtyned of us our heires or successors in that behalf. And wee doe further and of our especiall grace certen knowledge and meere mencon for us our heires and successors give and graunte to the said Governor and Company and their successors forever by theis presents That it shalbe lawfull and free for them and their assignes at all and every tyme and tymes hereafter out of any our realmes or domynions whatsoever to take leade carry and transport for and into their voyages and for and towards the said plantacon in Newe England all such and so many of our loving subjects or any other strangers that will become our loving subjects and live under our allegiance as shall willinglie accompany them in the same voyages and plantacon and also shipping armour weapons ordnance municon powder shot corn victuals and all manner of clothing implements furniture beastes cattle horses mares merchandizes and all other things necessarie for the said plantacon and for their use and defence and for trade with the people there and in passing and returning to and fro any lawe or statute to the contrarie hereof in any wise notwithstanding and without payeing or yielding any custom or subsidie either inward or outward to us our heires or successors for the same by the space of seaven yeares from the day of the date of theis presents. Provided that none of the saide persons be such as shall be hereafter by especiall name restrayned by us our heires or successors. And for their further encouragement, Of our especiall grace and favor wee doe by theis presents for us our heires and successors yield and graunt to the said Governor and Company and their successors and every of them their factors and assignes That they and every of them shalbe free and quitt from all taxes subsidies and customes in Newe England for the like space of seaven yeares and from all taxes and imposicons for the space of twenty and one yeares upon all goods and merchandises at any tyme or tymes hereafter either upon importacon thither or exportacon from thence into our realme of England or into any other our domynions by the said Governor and Company and their successors their deputies factors and assignes or any of them except onlié the five poundes per centum due for custome upon all such goods and merchandises as after the saide seaven yeares shalbe expired shalbe brought or imported into our realme of England or any other of our dominions according to the ancient trade of merchants which five poundes per centum onlie being paid it shall be thenceforth lawfull and free for the said adventurers the same goodes and merchandizes to export and carry out of our said domynions into foraine portes without any custome tax or other duties to be paid to us our heires or successors or to any other officers or ministers of us our heires and successors. Provided that the said goodes and merchandizes be shipped out within thirteene monthes after their first landing within any parte of the saide domynions, And wee doe for us our heirs and successors give and graunt to the said Governor and Company That whensoever or soe often as any custome or subsidie shall grow due or payeable unto us our heires or successors according to the lymittacon and ap-



pointment aforesaid by reason of any goodes wares or merchandizes to be shipped out or any retorne to be made of any goodes wares or merchandise unto or from the said partes of Newe England hereby menconed to be graunted as aforesaide or any the landes or territories aforesaide That then and soe often and in such case the farmors customers and officers of our customes of England and Ireland and everie of them for the tyme being upon request made to them by the saide Governor and Company or their successors factors or assignes and upon convenient security to be given in that behalf shall give and allow unto the said Governor and Company and their successors and to all and everie person and persons free of that company as aforesaide six monthes tyme for the payement of one halfe of all such customs and subsidy as shalbe due and payable unto us our heires and successors for the same, for which theis our letters patents or the duplicate or the inrollmt thereof shalbe unto our saide officers a sufficient warrant and discharge. Nevertheles our will and pleasure is That yf any of the saide goodes wares and merchandise which be or shalbe at any tyme hereafter landed or exported out of any of our realmes aforesaide and shalbe shipped with a purpose not to be carried to the partes of Newe England aforesaide but to some other place That then such payment dutie custome imposicon or forfeytur shalbe paid or belonge to us our heires and successors for the said goodes wares and merchandize soe fraudulently sought to be transported as yf this our graunte had not benn made nor graunted. And wee doe further will And by theis presents for us our heires and successors firmly enjoin and comande as well the Treasurer, Chauncellor and Barons of the Exchequer of us our heires and successors as also all and singular the customers farmors and collectors of the customes subsidies and imposts and other the officers and ministers of us our heires and successors whatsoever for the tyme being. That they and every of them upon the shewing forth unto them of theis letters patents or the duplicate or exemplification of the same without any other writt or warrant whatsoever from us our heires or successors to be obteyned or sued forth doe and shall make full whole entire and due allowance and clear discharge unto the saide Governor and Company and their successors of all customes subsidies imposicons taxes and duties whatsoever that shall or maie be claymed by us our heires and successors of or from the said Governor and Company and their successors for or by reason of the said goodes chattles wares merchandises and premises to be exported out of our saide domynions or any of them unto any parte of the saide landes or premises hereby menconed to be given graunted and confirmed or for or by reason of any of the saide goodes chattells wares or merchandises to be imported from the said landes and premises hereby menconed to be given graunted confirmed into any of our saide dominions or any parte thereof as aforesaide excepting onlie the saide five poundes per centum hereby reserved and payable after the expiracon of the said terme of seaven yeares as aforesaid and not before. And theis our letters patents or the inrollment duplicate or exemplification of the same shalbe forever hereafter from tyme to tyme as well to the Treasurer Chauncellor and Barons of the Exchequer of us our heires and successors as to be all and singular the customers farmors and collectors of the customes subsidies and imposts of us our heires and successors and all searchers and other the officers and ministers whatsoever of us our heires and successors for the time being a sufficient warrant and discharge in ther behalf. And further our will and pleasure is And wee doe hereby for us our heires and successors ordeyne declare and graunte to the saide Governor and Company and their successors That all and every the subjects of us our heires and successors which shall goe to and inhabite within the saide landes and premisses hereby menconed to be graunted and every of their children which shall happen to be borne there or on the seas in going thither or retorning from thence shall have and enjoy all liberties and immunities of free and naturall subjects within any of the domynions of us our heires or successors to all intents construccions and purposes whatsoever as yf they and everie of them were borne within the realme of England. And that the Governor and Deputie Governor of the said Company for the tyme being or either of them and any two or more of such of the saide Assistants as shall be thereunto appointed by the said Governor and Company at any of their Courts or assemblies to be held as aforesaide shall and maie att all tymes and from tyme to tyme hereafter have full power and authoritie to minister and give the oathe and oathes of supremacie and allegiance or either of them to all and everie person and persons which shall at any tyme or tymes hereafter goe or passe to the landes and premisses hereby menconed to be graunted to inhabite in the same. And wee doe of our further grace certain knowledge and meere mencon give and graunt to the said governor and Company and their

successors That it shall and maie be lawfull to and for the Governor or Deputie Governor and such of the Assistants and Freemen of saide Company for the time being as shalbe assembled in any of their Generall Courts aforesaide or in any other Courtes to be specially summoned and assembled for that purpose or the greater parte of them (whereof the Governor or Deputie Governor and six of the Assistants to be alwaies seaven) from tyme to tyme to make ordeine and establishe all manner of wholesome and reasonable orders lawes, statutes and ordinances direcons and instrucons not contrarie to the lawes of this our realme of England as well for setting of the formes and ceremonies of government and majistracy fitt and necessary for the said plantacon and the inhabitants there and for nameing and stiling of all sortes of officers both superior and inferior which they shall finde needefull for that government and plantacon and the distinguishing and setting forth of the severall duties powers and lymitts of every such office and place and the formes of such oathes warrantable by the lawes and statutes of this our realme of England as shalbe respectivelie ministred unto them for the execucon of the said severall offices and places as also for the displaying and ordering of the elecons of such of the said officers as shalbe annuall and of such others as shalbe to succede in case of death or removal and ministring the said oathes to the newe elected officers and for imposicons of lawfull fynes mulcts imprisonment or other lawfull correcon according to the course of other corporacons in this our realme of England and for the directing ruling and disposing of all other matters and thinges whereby our said people inhabitants there maie be soe religiously peaceable and civilly governed as their good life and orderlie conversacon mai wynn and incite the natives of country to the knowledge and obedience of the onlie true God and Savior of mankind and the Christian fayth which in our royall intencon and the adventurers free profession is the principall ende of this plantacon. Willing comaunding and requiring and by theis presents for us our heires and successors ordeyning and appointing That all such orders lawes statuts and ordinnces instrucons and direcons as shalbe soe made by the Governor or Deputy Governor of the said Company and such of the Assistants and Freemen as aforesaide and published in writing under their comon seale shalbe carefullie and dulle observed kept pfromed and putt in execucon according to the true intent and meaning of the same, And theis our letters patents or the duplicate or exempliacacon thereof shalbe to all and everie such officers superior and inferior from tyme to tyme for the putting of the same orders laws statutes and ordinnces instrucons and direcons in due execucon against us our heires and successors a sufficient warrant and discharge, And we doe further for us our heires and successors give and graunt to the said Governor and Company and their successors by their presents That all and everie such chief comaunders captaines governors and other officers and ministers as by the said lawes statuts ordinnces instrucons or direcons of the said Governor and Company for the tyme being shalbe from tyme to tyme hereafter ymployed either in the government of the saide inhabitants and plantacon or in the waye by sea thither or from thence according to the natures and lymitts of their offices and places respectivelie shall from tyme to tyme hereafter for ever within the precincts and partes of Newe England hereby mentioned to be graunted and confirmed or in the waie by sea thither or from thence have full and absolute promise and authoritie to correct punishe pardon governe and rule all such the subjects of us our heires and successors as shall from tyme to tyme adventure themselves in any voyage thither or from thence or that shall at any tyme hereafter inhabit within the precincts and partes of Newe England aforesaid according to the orders lawes ordinances instrucons and direcons aforesaid not being repugnant to the lawes and statutes of our realme of England as aforesaid. And wee doe for us our heires and successors give and graunte to the said Governor and Company and their successors by theis presents That it shall and maie be lawfull to and for the chiefe comaunders governors and officers of the said company for the time being who shalbe resident in the said parte of Newe England in America by theis presents graunted and others there inhabiting by their appointment and direcon from tyme to tyme and at all tymes hereafter for their speciall defence and safety to encounter expulse repell and resist by force of armes as well as by sea as by lande and by all fitting waies and meanes whatsoever all such person and persons as shall at any tyme hereafter attempt or enterprise the destrucion invasion detriment or annoyance to the said plantacon or inhabitants; And to take and surprize by all waies and meanes whatsoever all and every such person and persons with their shippes armour municon and other goods as shall in hostile manner invade or attempt the defeating of the said plantacon or the hurt of the said Company and inhabitants. Nevertheles our will and pleasure is And wee doe hereby declare to

all Christian Kinges Princes and States That yf any person or persons which shall hereafter be of the said Company or plantacon or any other by lycense or appointment of the said Governor and Company for the tyme being shall at any tyme or tymes hereafter robb or spoyle by sea or by land or doe any hurt violence or unlawfull hostility to any of the subjects of us our heries or successors or any of the subjects of any Prince or State being then in league and amytye with us our heires and successors and that upon such injury don and upon just complaint of such Prince or State or their subjects Wee our heires or successors shall make open proclamacon within any of the partes within our realme of England comodious for that purpose That the person or persons haveing comitted any such roberie or spoyle shall within the terme lymitted by such a proclamacon make full restitucon or satisfacon of all such injuries don soe as the said Princes or others soe complayning maie hould themselves fullie satisfied and contented. And that yf the said person or persons having comitted such robbery or spoile shall not make or cause to be made satisfacon accordnglie within such time soe to be lymitted That then it shalbe lawfull for us our heires and successors to putt the said pson or psons out of our allegiance and protecon ; And that it shalbe lawfull and free for all princes to prosecute with hostilitie the said offenders and every of them their and every of their procurers ayders abettors and comforters in that behalf, Provided also and our express will and pleasure is And wee doe by theis presents for us our heires and successors ordeyne and appoint That theis presents shall not in any manner enure or be taken to abridge barr or hinder any of our loving subjects whatsoever to use and exercise the trade of fishing upon the coast of New England in America by theis presents menconed to be graunted ; But that they and every or any of them shall have full and free power and liberty to continue and use their said trade of fishing upon the said coast in any the seas thereunto adjoining or any armes of the seas or saltwater rivers where they have byn wont to fish and to build and sett up upon the landes by theis presents graunted such wharfes stages and workehouses as shalbe necessarie for the salting drying keeping and packing up of their fish to be taken or gotten upon that coast ; And to cutt downe and take such trees and other materialls there groweing or being or shalbe needefull for that purpose and for all other necessarie easements helpes and advantage concerning their said trade of fishing there in such manner and forme as they have byn heretofore at any tyme accustomed to doe without making any wilfull waste or spoyle Anything in theis presents conteyned to the contrarie notwithstanding. And wee doe further for us our heires and successors ordeyne and graunte to the said Governor and Company and their successors by theis presents That theis our letters patents shalbe firme good and effectuall and availeable in all things and to all intents and construccons of lawe according to our true meaning herein before declared and shalbe construed reputed and adjudged in all cases most favourablie on the behalf and for the benefit and behoofe of the saide Governor and Company and their successors. Although express mencoon of the true yearely value or certenty of the premisses or of any of them or of any other giftes or grauntes by us or any of our progenitors or predecessors to the aforesaid Governor or Company before this time made in theis presents is not made Or any statute acte ordinnce provision proclacon or restraunte to the contrarie thereof heretofore had made published ordeyned or provided or any other matter cause or thing whatsoever to the contrarie thereof in any wise notwithstanding. In witnes whereof wee have caused theis our letters to be made patent. Witnes ourself at Westminster the fourth day of March in the Fourth yeare of our raigne.

Per Breve de Privato Sigillo.

WOLSELEY."

It must be remembered that the Council for New England, which was chartered on the 3rd of November, 1620, had, when the above charter was granted, issued a patent to the governor and company of the Massachusetts Bay, dated March 19, of the previous year, and that this charter was, with some additional restrictions, a confirmation of that patent. The company, which had held meetings in London previous to the issue of the charter, had already sent, in the summer of 1628, John Endicott with a small colony to New England, arriving at Salem on the 6th of September in that year. Of this colony or company Endicott acted as governor. On the 20th of October, 1629, John Winthrop was chosen governor of the company to succeed Cradock, and on the 8th of April, 1630, he embarked from England, bearing with



him the charter, and on his arrival at Boston the authority of Endicott ceased, and his company became merged in the colony of which Winthrop was governor. The question has been raised whether the Massachusetts Company had authority to transfer its charter and government to New England, and also whether the charter contained any authority to "erect judicatories, or courts for the probate of wills, or with admiralty jurisdiction, or to incorporate towns, colleges, or schools, all which powers were exercised, together with the power of inflicting capital punishment." It is true that complaints were made to the home government of so-called usurpations and repeated demands were made by the Privy Council for the return of the charter to England. The response of the Massachusetts General Court to a formal demand contained in a letter from the Privy Council to Governor Winthrop put an end to the trouble. Winthrop says, under date of 1639, in his *History of New England*, "We were much afraid this year of a stop in England by reason of the complaints which had been sent against us, and the great displeasure which the archbishops and others, the commissioners for plantations, had conceived and uttered against us, both for these complaints, and also for our not sending home our patent. But the Lord wrought for us beyond our expectations; for the petition which we returned in answer of the order sent for our patent, was read before the lords, and well accepted, as is before expressed; and ships came to us from England, and divers other ports, with great store of people and provisions of all sorts." The charter never was returned, and, though vacated by a decree in Chancery, in 1684, it is still among the archives of the commonwealth in the office of its secretary.

There are some marked differences between the patent of the Plymouth Colony and the charter of the Massachusetts Colony, and the early acts of the two colonies.

The Plymouth patent conferred upon the colonists absolute power in the election of officers and in the general administration of their government. The Massachusetts charter prescribed the offices of the company and named their first incumbents. Upon a comparison of the two instruments, the reader will readily discover other differences without the aid of a detailed statement in this sketch. It was provided in the charter that the officers of the colony should be chosen annually by the General Court, consisting of such officers and all the freemen of the colony. But at the first meeting of the General Court, held in Boston on the 19th of October, 1630, it was enacted that the freemen should have the power of choosing assistants, and that the assistants should choose from amongst themselves a governor and deputy-governor, who, with the assistants, should have the power to make laws and choose officers to execute them. It is somewhat singular that in this respect a charter, emanating from the king, should have been more democratic in its provisions than suited the wishes of the leading men of the colony. Such an abrogation of the terms of the charter was probably due to the fact that the colony was found to be composed largely of adventurers, possessing insufficient qualifications as legislators. The necessity for such a restriction seems to have been partially removed by an act, passed May 18, 1631, providing that "to the end of the body of the Commons may be preserved of honest and good men, no man shall be admitted to the freedom of the body politic but such as are members of some of the churches within the limits of the same." After the enactment of this law the restriction of election and legislative powers was modified by a law, passed May 9, 1632, providing that the officers shall be chosen by all the freemen, and that the governor shall be chosen out of the assistants. On the 14th of May, 1634, it was agreed that the General Court shall have the sole power of admitting freemen, of electing officers, disposing of lands, and raising money and laying taxes. At the same date the law was passed, which was referred to in the first

chapter, making the General Court a court of delegates chosen by the various towns in the colony.

Until 1634 the General Court took cognizance of offences and imposed punishments. Crimes of a more serious nature were tried by the governor and assistants, and as early as the autumn of 1630 Walter Palmer was tried for manslaughter and acquitted by a court consisting of John Winthrop, governor; Thomas Dudley, deputy-governor; and Sir Richard Saltonstall, Roger Ludlowe, John Endicott, William Coddington, William Pinchon and Simon Bradstreet, assistants. A jury was empaneled for the trial, consisting of Edmond Lockwood, William Rockwell, Christopher Conant, William Phelps, William Galland, John Hoskins, Richard Morris, William Balston, William Chesborough, John Page, John Balsh and Lawrence Leach.

On the 3d of March, 1635-6, it was enacted that four quarter courts be kept every quarter, in Ipswich, Salem, Newe Towne and Boston, by magistrates dwelling near and by such other persons appointed by the General Court for the trial of causes where the debt or damage should not exceed ten pounds, and criminal causes not affecting life, member or banishment. It was also provided that four great quarter courts be kept yearly in Boston, by the governor and assistants, as a court of appeals from the other courts. Up to 1639 the judicial system of the colony was made up as follows: First, the General Court, sitting twice in each year; second, the Court of Assistants, or great quarter courts, sitting in Boston four times yearly; third, the inferior or lesser quarter courts, with the right of appeal to the General Court; fourth, the magistrates' court, held in towns for the trial of causes involving not more than twenty shillings; and fifth, a court which has by some writers been called a military court, but which was really a commission with a definite term of service.

This commission, established March 4, 1634-5, provided "that the present Governor, Thomas Dudley, together with the Deputy-Governor, Roger Ludlow, and John Winthrop, John Humphrey, John Haynes, John Endicott, William Coddington, William Pinchon, Increase Nowell, Richard Bellingham and Simon Bradstreet, or the major part of them, who are deputed by this Court to dispose of all military affairs whatsoever, shall have full power and authority to see all former laws concerning all military men and munitions executed, and also shall have full power to ordeyne or remove all military officers, and to make and tender to them an oath suitable to their places; to dispose of all companies, to make orders for them, and to make and tender to them, and to see that strict discipline and training be observed, and to command them fourth upon any occasion they think meet; to make offensive or defensive war, as also to do whatever may behoovefull for the good of this plantation in case of any war that may befall us; and also that the aforesaid commission, or the major part of them, shall have power to imprison or confine any that they shall judge to be enemies to the commonwealth, and such as will not come under command or restraint as they shall be required, and shall be lawfull for the said commissioners to put such persons to death." This commission, originally appointed to terminate at the end of the next General Court, was extended from time to time, until it was finally permitted to expire. The provisions of the law authorizing this commission, far more radical than those of the alien and sedition laws, which nearly two centuries later excited the indignation of a liberty-loving people, were clearly in abrogation of the terms of the charter, and were probably some of the usurpations of which complaint to the home government had been made.

In 1639 county courts were established, though the counties within the colony were not incorporated until four years later, with power to hear and determine all

causes, civil and criminal, not involving life member or banishment; to appoint clerks and other officers, and to summon juries of inquest and trials. At the same time strangers' courts were provided for, special courts called by the governor and deputy-governor with any two assistants at the request of any stranger, to try causes arising between strangers, or in which a stranger shall be a party. Among the duties of the county courts was that they should "take care that the Indians residing in the several shires shall be civilized, and to take order from time to time to have them instructed in the knowledge of God."

It was also provided in 1639 that "there be records kept of all wills, administration and inventories, as also the days of every marriage, birth and death of every person within this jurisdiction." These records were to be kept by the clerks of the county courts.

At a General Court held May 10, 1634, it was enacted "that the whole plantation within this jurisdiction be divided into four shires, to wit:

ESSEX—Salem, Lynn, Enon (Wenham), Ipswich, Rowley, Newbury, Gloucester and Chochicawick (Andover).

MIDDLESEX—Charlestown, Cambridge, Watertown, Sudbury, Concord, Woburn, Medford, Linn Village (Reading).

SUFFOLK—Boston, Roxbury, Dorchester, Dedham, Braintree, Weymouth, Hingham, Nantasket (Hull).

NORFOLK—Salisbury, Hampton, Haverhill, Exeter, Dover, Strawberry Bank (Portsmouth).

The County courts established in 1639 had no reference at the time of their establishment to shires, but simply to counties, or in other words, to "civil divisions of the State" made for any purpose and not necessarily incorporated as shires. After the incorporation of the shires the jurisdiction of those courts was made to conform to the shires. It is proper to state that the shire of Norfolk was extinguished when New Hampshire was made a Royal Province in 1679 and that the present Norfolk County was not incorporated until 1793.

It is unnecessary to state in detail the various changes made in the Court system during the life of the Colony. These consisted chiefly in the establishment of a local court in Boston first held by seven freemen appointed by the court of assistants as provided for in a law passed in 1651 and afterwards abolished, and in the authorization of selectmen's courts in the various towns to try offences against local by-laws involving a penalty not exceeding twenty shillings.

There was also established in May, 1685, a Court of Chancery because, as stated in the preamble of the law providing for it, "it is found by experience that in many cases and controversies betwixt parties wherein there is matter of apparent equity, there hath been no way provided for relief against the rigor of the common law; but by application to the General Court, where, by reason of the weighty affairs of the country of more public concernment, particular persons have been delayed to their no small trouble and charge."

After a career of fifty years under Charles the First and Cromwell and during a part of the reign of the second Charles, the Massachusetts Colony which had been practically a free and independent state evolving its own form of government, choosing its own officers, enacting its own laws and executing them without let or hindrance from the home government, began to experience disquietude. Its peaceful days were clearly coming to an end. A season of controversy was closed on the 21st of June, 1684, by the vacation of its charter. Even the simplest narrative of the steps leading to this humiliation of the colony would involve more space than is



available in this sketch. The reader is referred to the third volume of Palfrey's History of New England for a clear and admirable statement of the proceedings. After the vacation of the charter it was at first determined by Charles to appoint Colonel Piercy Kirk as Governor of the Province, with the title of "His Majesty's Lieutenant and Governor General." The reputation of Kirk was such as made the anticipation of his arrival peculiarly distressing. But the Colony was fortunately spared the infliction of such a punishment. Charles the Second died in February, 1684-5, eight months after the vacation of the charter, and James the Second on his accession to the throne issued his proclamation directing "that all persons in authority in his kingdoms and colonies should continue to exercise their functions till further order be taken." Thus at the last moment, when Kirk was daily expected to arrive, the colony was accorded at least a reprieve. But the reprieve was destined to be short. Joseph Dudley, a member of the colony, received on the 15th of May, 1686, a commission dated October 8, 1685, as President with William Stoughton Deputy President and sixteen counsellors having jurisdiction over Massachusetts, New Hampshire, Maine and the King's Province. The Plymouth Colony proved to be safer with its patent from the Northern Virginia Company than with a royal charter and escaped for a time any interference from home.

Under Dudley the judicial affairs of the colony were somewhat changed. The governor and council were made a Court of Record for the trial of civil and criminal causes, and were invested with authority to establish courts and appoint judges. A superior court was established to sit in Boston, and "Courts of Pleas and Sessions of the Peace" for the several counties were organized. The administration of Dudley was short. Edmund Andros was commissioned Governor of New England, and arrived in Boston December 19, 1686, assuming jurisdiction over all New England, including Plymouth. He appointed thirty-nine councillors, and delegated the power to make and execute the laws to the governor and council, subject to approval by the crown. The governor and council were made a Court of Record, "Quarterly Sessions Courts" were established in the counties, "Inferior Courts of Common Pleas," and a "Superior Court of Judicature." With the English revolution of 1688, and the accession of William and Mary, the reign of Andros ceased, and the former government of the Massachusetts colony was resumed. Thus it continued until May 16, 1692, when a new charter, embracing Massachusetts, Plymouth, Maine, Nova Scotia and the intervening territory, in one government under the name of the "Province of the Massachusetts Bay in New England," which passed the seals on the 7th of March, 1691, reached Boston, and went into effect.

Aside from the statutes enacted by the General Courts of the Plymouth and Massachusetts colonies, the common law of England was in both colonies the guide as far as it was known in all judicial proceedings. Familiarity with that law was, however, necessarily limited. Few of the judges or attorneys were men educated in the law. There was practically no bar. It is possible that John Winthrop, Richard Bellingham, John Humphrey and Simon Bradstreet in the Massachusetts colony, and Nathaniel Clark in the Plymouth colony, were educated as lawyers. Among the practitioners in Boston were John Coggan and John Watson, merchants, Amos Richardson, a tailor, and Benjamin Bullivant, a physician. Even at a later period in the early days of the province, the Court of Oyer and Terminer appointed to try the witchcraft cases, had on its bench Stoughton and Sewall, clergymen; Winthrop and Gedney, physicians; Richards, Corwin and Chickley, merchants; and Sergeant, a gentleman without a profession. Common sense in the absence of a knowledge of precedents was the basis of judicial decisions, and now, as then, it must be consid-

ered the chief ingredient of a judicial mind, and whenever precedents cannot stand the test of that they must be overruled.

As want of space will forbid the insertion in this narrative of the complete text of the Province Charter the writer will be content with such a synopsis as will give the reader a clear idea of its provisions. After a recital of the charter of the Northern Virginia Colony, granted by James the First, on the 3rd of November, 1620, and the patent issued by said company to Sir Henry Rosewell and others, on the 19th of March, 1627, together with the confirmation of said patent by a charter granted by Charles the First, on the 18th of March, 1628, it continued with a preamble stating that whereas the governor and company of the Massachusetts Bay had settled a colony on the territory described in the patent and charter and further that whereas a judgment was given in the Court of Chancery upon a writ of *scire facias* that the said charter should be cancelled, and further, whereas agents of the Massachusetts Colony had applied for a new charter it was the royal desire to grant their request including in said charter the Plymouth Colony. It then ordained that the territories and colonies, commonly known as the Massachusetts Bay and the Colony of New Plymouth, the province of Maine, the territory of Nova Scotia, and all that tract lying between Nova Scotia and the province of Maine, be incorporated into one province by the name of the Province of Massachusetts Bay, in New England. Within the territory described in the charter were Martha's Vineyard and Nantucket, which had previously been included within the jurisdiction of New York. The charter discountenanced the claim made by Andros as the instrument of Charles the Second, that all public lands vested in the crown and that holders of estates must present themselves and prove their titles, and ordered that all such lands, tenements and hereditaments and all other estates which any person or persons, politic or corporate, towns, villages, colleges or schools do hold and enjoy, or ought to hold and enjoy by or under any grant or estate duly made, or granted by any general court, or by any other lawful right or title whatsoever shall be by them, their heirs and assigns peacefully held according to the tenure of their grants.

The charter further provided that there should be one governor, one lieutenant or deputy governor, and one secretary, to be appointed by the crown, and twenty-eight assistants or counsellors, to be chosen annually by the General Court. The counsellors for the first year were named in the charter: The governor and the assistants were to form a council to direct the affairs of the province, and the General Court was to consist of the governor and assistants and of such freeholders as should be elected by the freeholders in the various towns, each town choosing two and no more until the number should be changed by the General Court. It was provided, however, that no freeholder should have a vote at an election unless he had an estate in land within the province to the value of forty shillings per annum, or other estate to the value of forty pounds sterling. The governor was invested with the power of adjourning and proroguing the General Court and by and with the advice of the council of appointing judges, sheriffs and other officers of the council and the courts. It was provided that liberty of conscience should be allowed in the worship of God to all Christians (except Papists) inhabiting within the province. Power was given to the General Court to erect courts for the trial of all causes, to the governor and council the function of a probate court, and in all cases involving a sum exceeding three hundred pounds sterling an appeal might be had either to the government council or to the privy council at home.

It was further provided that the governor and general court might enact laws not repugnant to the laws of England to name and fill civil offices not otherwise pro-

vided for in the charter, to impose and levy taxes and to so administer the government as to "win the Indians natives of the country to the knowledge and obedience of the only true God and Saviour of mankind and the Christian faith which his royal majesty our royal grandfather King Charles the First in his said letters patent declared was his royal intention and the adventurers' free confession to be the principal end of said plantation."

The veto power was given to the governor, and it was required that all laws after their approval by the governor should be sent to the privy council at home by whom at any time within three years they might be disallowed though until their disallowance they might be put in force. The establishment of a militia was provided for and the erection of forts and other defences against hostile invasion. Admiralty jurisdiction was reserved to the crown to be possessed by persons commissioned under the great seal of England or under the great seal of the high admiral.

An explanatory charter, issued by George the First, dated August 26, 1726, supplied two omissions in the charter of William and Mary. The latter charter made no provision for the election of the House of Representatives, and by giving to the governor the power of adjourning the legislature it seemed to invest the legislature itself with no power in that respect. The explanatory charter provided that the House of Representatives might choose a speaker who should be approved by the governor and that the House might adjourn itself from day to day, and if occasion should require for the space of two days and no longer without the consent of the governor.

Upon the issue of the provincial charter the old colonies of Plymouth and Massachusetts became as it were a conquered province and subjected to royal control. It was difficult for those who had reveled in the free air of commonwealths of their own creation to reconcile themselves to the new dispensation. In a modified sense they were like slaves who after the enjoyment of a season of liberty had been returned to captivity. Mather and his companions, agents of the colonies, who had made personal supplications to the king for charters perpetuating their ancient liberties, were appalled by the result of their mission. They had asked for bread and had been given a stone. The nature of the franchise established by the charter, the veto power of the king in council to laws passed by the general court and approved by the governor, the right of appeal from the courts to the crown, the peculiar powers given to the governor who was to be the creature of the king, created an uneasiness which time might possibly allay, but would be more likely to intensify. There were, however, a few features of the new charter more satisfactory than those in the old relating to the same subjects. The religious element was eliminated in the election of freemen, and the power to raise money and levy taxes was given to the general court. The latter provision seemed to erect a bulwark against royal usurpations. The disappointment caused at first by the charter was somewhat restricted in extent by the presence in the colonies of large numbers of Englishmen who had only recently become settlers and were still imbued with monarchical ideas; and the feeling of the older settlers was modified by the conviction that the conditions under the charter would be far more tolerable than those of an interregnum like that which followed the vacation of the Massachusetts colony charter during which such events as the administration of Dudley and Andros were possible.

Sir William Phips, the governor under the charter, arrived in Boston May 14, 1692, and, after the oath of office had been administered, the General Court appointed "a day of solemn thanksgiving to Almighty God for granting a safe arrival to his Excellency our Governor, and the Reverend Mr. Increase Mather, who have indus-



triously endeavored the service of the people, and have brought over with them a settlement of government, in which their Majesties have graciously given us distinguishing marks of their royal favor and goodness." And thus the people of Massachusetts kissed the rod held over them.

During the administration of Governor Phips, which continued about two years and a half, until he was summoned to England to appear before the Privy Council to answer complaints made against him, the affairs of the province moved smoothly along. William Stoughton, the lieutenant-governor, became acting governor, and, so far as the rights and liberties of the people were concerned, there was little complaint of the part performed by him in the administration of the government. Stoughton went out of office in 1699, and died in 1703. By his advice the General Assembly took into consideration the subject of putting an end to negro slavery in Massachusetts, and, as a result of the discussion of the question, an act was passed in 1712 prohibiting "the importation or bringing into the province any Indian servants or slaves."

It was not long, after the machinery of the new government was put in motion under the charter, before the provision that all laws should be referred to the king in council for approval began to cause annoyance. It was by no means intended that this provision should be a dead letter, and it was soon determined that such a reference should be a means of keeping the province under restraint. It was provided in the charter that laws might be put in force at once upon their enactment, but might be disapproved and annulled at any time within three years. The effect of this provision was a singular one. Laws were passed, and when disapproved were re-enacted with some variation, and referred again to the king in council, and so on until finally approved, the laws being in operation all the time, except during various short intervals between the disapprovals and re-enactments. The first act of the Assembly, passed in June, 1692, providing for the continuance of all the local laws passed by the governor and company of the Massachusetts Bay, until the 10th of November, and a subsequent act extending the time indefinitely, were annulled after they had been in force nearly three years. Fifteen out of forty-five acts passed at the first two sessions were annulled in one day.

Contemporaneous with these apparently unwarranted interferences with provincial legislation, colonial affairs, which for many years had been in the hands of the Privy Council, were entrusted to a board entitled, "The Lords Commissioners for Trade and Plantations." The provisions of the charter concerning exports and imports were ordered to be strictly carried out, and it was further ordered that no wool, or manufacture of wool, the product of any of the English plantations in America, should be carried into any of the plantations. Other restrictive measures and orders were postponed until the French War terminated with the treaty of Utrecht in 1713.

The first General Court, under the charter, met on the 8th of June, 1692, but previous to that time, in consequence of the witchcraft excitement, Governor Phips, without any authority conferred by the charter, issued commissions bearing date, June 2, to a Special Court of Oyer and Terminer, consisting of William Stoughton, Nathaniel Saltonstall, John Richards, Bartholomew Gedney, Wait Winthrop, Samuel Sewall, and Peter Sergeant, to take cognizance of crimes in Suffolk and Middlesex. Saltonstall declined and Jonathan Corwin was appointed in his place. This court, without a lawyer on its bench, between the 2nd of June and the 17th of September, condemned nineteen alleged witches to be hung, and one to be pressed to death.

The first act relating to courts was one published July 2, 1692, establishing county courts under the name of General Sessions of the Peace, and was disallowed

August 22, 1695, because a distinction was made in the appointment of judges. On the 25th of November, 1692, an act was passed establishing a Justices Court in each county, a court in each county of Quarter Sessions of the Peace, in each county an Inferior Court of Common Pleas, a Superior Court of Judicature for the whole province, and a Court of Chancery. This act was disallowed, August 22, 1695, because the right of appeal to the king in council in real actions, did not seem to be provided for. Various other acts relating to courts were passed and disallowed, until, finally, at the session of the General Court, beginning May 31, 1699, three acts were passed establishing courts which were approved by the Privy Council. They first established a Court of General Sessions of the Peace, to be held by the justices of the peace in each county, to hear matters relating to the conservation of the peace and the punishment of offenders, from which an appeal might be taken to the Superior Court of Judicature. The second established an Inferior Court of Common Pleas, to be held in each county, by four persons, to be appointed as justices, and to take cognizance of all civil actions within the county triable at common law. The third established a Superior Court of Judicature for the province, to be held by one chief justice and four associate justices, and have cognizance of all pleas, real, personal, or mixed, as well as all pleas of the crown and all matters relating to the conservation of the peace and punishment of offenders as civil causes or actions, and also all mixed actions, which concerned both realty and personalty, brought before them by appeal, service, writ of error, or otherwise. The Superior Court of Judicature continued until September, 1774, when its last session under the charter was held. Under the Revolutionary regime its first session was held in Essex county, in 1776, and it continued in operation until February 20, 1781. The Inferior Court of Common Pleas continued until July 3, 1782, when its name was changed to "Court of Common Pleas," and the lesser courts were also at that time discontinued.

The administration of Governor Stoughton was succeeded by that of Richard Coote, Earl of Bellomont, in 1699, whose commission constituted him governor of the province of New York and of New Jersey, and New Hampshire, as well as of Massachusetts. He arrived at New York in the summer of 1698 and remained there a year before going to Boston. His chief object in going to Boston, where he remained about a year, was to settle the difficulties concerning the establishment of courts in which the Assembly and the Privy Council, as already stated, had failed to agree. During the administration of Bellomont the question arose, which was not settled for many years, concerning the governor's salary. The Assembly enjoyed the prerogative of raising money and levying taxes, and they persistently refused to fix the salary in question. They showed themselves, by repeated acts, willing to make grants of money to the governor, but they would establish no salary, and never did through the whole life of the province.

Bellomont died in New York in 1700, and until 1702 executive power was first in the hands of Lieutenant-Governor Stoughton, and afterwards in the hands of the council. In 1702 Joseph Dudley, who served a short term in 1686 as president of New England, was appointed governor and remained in office twelve years. Governor Dudley died in 1714, and Elizeus Burgess was appointed his successor. Burgess never came to America, and until 1716, when he resigned, William Tailer, the lieutenant-governor, acted as governor. In 1716 William Shute was appointed and served six years. It was during his administration that the question arose concerning the power of the governor to negative the election of a speaker. In consequence, at a later day, an explanatory charter was issued, as has been already stated. Collisions occurred between him and the Assembly, and on one occasion he dissolved it

because it was not obedient to his wishes, and in another, the Assembly adjourned for a week without his consent. In 1723 he went to England, and, in consequence of his complaints, a proposition was made to withdraw the charter, which was saved by the agency of Jeremiah Dummer, then in England acting for the province.

In 1728, William Burnet, son of Bishop Burnet, who had been governor of New York and New Jersey, succeeded Governor Shute, and served two years. In consequence of the renewal of the old dispute concerning the governor's salary, and other disagreements, in which he thought the assembly was influenced by the public sentiment in Boston, he removed the General Court to Salem. He died in Boston, in 1730, and was succeeded by Jonathan Belcher, who was a native of the province. During his administration the boundary lines between Massachusetts and New Hampshire and between that part of Massachusetts which constituted the Plymouth colony and Rhode Island, were settled. The latter line, however, did not long continue settled, but remained in dispute until its final adjustment in 1861. William Shirley succeeded Governor Belcher in 1741, an Englishman engaged in the profession of the law in Boston, and served sixteen years, including periods of absence, when Lieutenant-governor Spencer Phips acted as governor. During his administration an impressment of seamen occurred in Boston, which served to help kindle, or at least to keep alive that impatience of arbitrary power which was destined in time to extinguish every obstacle to the security of popular rights. The province was at that time suffering from the issue of paper money, but every measure adopted by the governor to check it, was considered an improper interference with the internal affairs of the province. It is strange that a sensitiveness of the people which could be aroused even by judicious measures if emanating from officers of the crown, did not finally stay the royal hand in consummating acts so obnoxious as to be sure to snap the ties which bound the province to the realm. On the other hand, complaints were made that Massachusetts disregarded the regulations of trade which prohibited commerce with French, Spanish and Portuguese ports. The General Court answered that the regulations were oppressive and only intended to enhance the revenues of the home government at the expense of the province. As a result of the controversy the policy was revived of obliging the colonies to receive all the products of foreign importation from England, and the discouragement of American manufactures was carried so far as to prohibit the manufacture of nails. At this time, the French and Indian War was going on, and it was proposed by Massachusetts to form a union of all the colonies for common defence, each colony, however, retaining its constitution and charter. But the crown was as suspicious of the province as the province was of the crown, and a union which might be used, like the fortifications of Paris, against foes both without and within, was discouraged, and the plan failed to be approved by the several assemblies. In 1757, Governor Shirley was recalled to England, and was appointed governor of the Bahama Islands. He returned to Massachusetts in 1770, and died in Roxbury in 1771. After a short interval, during which the council administered the government, Thomas Pownall became governor in August, 1757, and under his administration another incident occurred showing the prevailing spirit of the people. His request for the assignment of quarters for the king's troops was refused by the General Court, and this refusal was followed by a determined opposition to the regulations of trade which were sought to be enforced to increase the revenue for the benefit of England.

Governor Pownall was succeeded by Sir Francis Bernard in August, 1760, and was appointed governor of South Carolina. Until the arrival of Bernard, who had been governor of New Jersey, Lieut.-governor Thomas Hutchinson acted as governor.



During his administration the custom-house officers in the province collecting revenues for the Crown, claiming that large amounts of goods were smuggled and escaped the payment of duties, applied to the courts for writs of assistance which would enable them to search houses and stores for hidden goods. The granting of these writs by the Superior Court, of which Thomas Hutchinson, the lieutenant-governor, was chief justice, was one of the chief measures leading to the Revolution thirteen years after. On account of the advocacy by Hutchinson of the claims of the Crown, the assembly proposed to exclude the lieutenant-governor and chief justice from the council, but nothing was done.

It was proposed by the Crown after peace was secured with France to raise a revenue in the colonies to aid in the payment of the national debt, and in 1764 those duties were laid, which were followed later by the Stamp Act. The tax on sugar and molasses to raise a revenue from which the province was to derive no benefit, was sufficiently in violation of charter rights; but the obligation to affix purchased stamps to writs of all kinds, probate papers, deeds, diplomas and other instruments, kindled a fire of indignation which the subsequent repeal of the act imposing it was unable to extinguish.

In 1766 duties were laid on paper, glass, tin and some other articles; and in response merchants and other citizens resolved to import no more goods manufactured in England. In 1767 more troops were sent to Boston, and quartered at the castle in the harbor. In the early part of 1768 the governor, in obedience to instructions from home, dissolved the assembly on account of its contumacy. In consequence of this dissolution and the refusal of the governor to call the General Court together, a convention was held in September, 1768, composed of delegates from more than a hundred towns. A request was made to the governor to call a General Court, which he refused to receive. They then prepared a letter to their agent and a petition to the king, in which they stated that "we hold that the sovereignty of his Majesty, King George Third, is entire in all parts of the British Empire, and God forbid that we should even act or wish anything in repugnation of the same. We appear as plain, honest men, humbly desiring peace and order; and while the people observe a medium between abject submission and a slavish stupidity under grievous oppression on one hand and illegal attempts to obtain relief on the other, and steadily persevere in constitutional applications to recover their just rights and liberties, they think they may promise themselves success."

But it seems unnecessary to recount the various steps, familiar to every reader, which led to the breaking-out of the Revolution. In May, 1769, a new General Court was convened, by which a solemn protest was made to the Governor against stationing troops in the province in a time of peace. The "Boston Massacre" followed in March, 1770, and under the direction of the ministry the General Court was removed to Cambridge, where it was held for two years.

In June, 1772, the court was again convened in Boston and another important subject entered into its considerations. It was determined by the ministry that the governor and the judges should receive their salaries from England instead of from the people of the province, that is from the proceeds of duties collected in the province by virtue of laws of parliament and by custom officers appointed by the crown. It was thought the effect would be to make the governor and judges indifferent to the people and more subservient to the king. To this the Assembly seriously objected as contrary to the spirit of the charter and invariable usage, and as a part of a system intended to subject the province. A town meeting was held in Boston in the autumn of 1772 to consider the subject, and a request was made to the governor to

call the General Court together. This was refused. A committee was then appointed, of which James Otis and Samuel Adams were members, to report "on the rights of the province as men, as Christians and as subjects of the British empire." Thomas Hutchinson was now governor, having succeeded Bernard in March, 1771. In January, 1773, a new General Court was convened, which met again in May of that year. At the latter session a committee was chosen to correspond with other colonies and their action led to a congress of delegates from the colonies, which was held in Philadelphia in September, 1774. In the fall of 1773 large importations of tea were made by East India merchants and were on their way to Boston, and the people revived a previous agreement neither to buy nor use that article. A meeting was held, at which it was declared "that the duty on tea was a tax on the people imposed without their consent; and that sending the article into the province was an attempt to enforce the plan of the ministry to raise a revenue; and was therefore a direct attack on the liberties of the people; and that whoever should receive or vend the tea would prove himself an enemy to his country." After unavailing requests to the consignees not to land the teas, the memorable destruction of the article occurred.

The General Court, finding its opposition to the method of paying the salary of the judges unavailing, requested the judges not to receive it. Three were ready to refuse it, but Peter Oliver, who had been chief justice since 1772, said he dared not refuse without the consent of the king. An attempt was made to have the chief justice removed, which, failing, the Assembly voted to impeach him for high crimes and misdemeanors, and both the Assembly and Council adjourned to a distant day. In June, 1774, Governor Hutchinson went to England, and General Thomas Gage succeeded him as governor. It was now determined to make the officers of the government wholly independent of the province and to have the council appointed by the king, and the charter was so far changed as to give the governor the sole power of appointing civil and judicial officers, and that jurors should be returned by the sheriffs instead of being drawn by the selectmen.

An act was also passed declaring Boston in a state of blockade after June 1, 1774, and shutting the port against all commerce. A proclamation was issued by Governor Gage forbidding people to sign the agreement not to use English goods on the penalty of transportation to England and a trial for treason. The General Court was adjourned by Governor Gage to Salem in June, 1774, and on the 17th of that month he dissolved it. At that Court delegates were chosen to meet those from the other colonies in a Congress to propose measures for a redress of grievances. In September, 1774, delegates were chosen by the various towns in the province to meet in October to attend in the absence of a General Court to the interests of the province. The convention met in Salem attended by two hundred and eighty-eight members; and John Hancock was chosen president, and Benjamin Lincoln, secretary. This was the beginning of the memorable Provincial Congress. Attempts at reconciliation with the governor were made and failed, and the Congress adjourned to meet in Cambridge the ensuing week. Many of the Congress were military officers, and they were directed to take an account of the quantity of ammunition and arms there was in the province and to encourage military discipline among the people. Collectors of taxes were directed to hold the money in their hands subject to the order of Congress, and a Committee of Safety was appointed. A second meeting of the Congress was held in November, 1774, and on its adjournment it recommended the election of delegates to a new Congress to be held in February, 1775. The new Congress met at the time specified and authorized the Committee of Safety to call out the militia if

necessary to oppose the enforcement of obnoxious laws of parliament and adjourned to the 22nd of March at Concord. On the 15th of April the Congress separated, but before adjournment the Committee of Safety was directed to make preparations for defence. On the 19th occurred the battles of Lexington and Concord, and on the 22nd the Provincial Congress again met and voted to raise thirteen thousand men. It was at this time thought best, as there was no General Court, and as the Congress was not such a body as could legitimately assume the government, to conform as far as possible to the charter and choose Representatives and Counsellors, the latter to form an executive department. The battle of Bunker Hill occurred on the 17th of June, and on the 19th of July the new General Court met at Watertown, and it was voted that the Council chosen by the Court should exercise all the authority formerly in the hands of the Governor and Council. A law was passed providing for the appointment of justices of the Court of Common Pleas, sheriffs and other civil officers, and at a second session in November justices of the Superior Court were appointed. The last session of the Superior Court under the charter was held in September, 1774 and the first under the Revolutionary regime in June, 1776.

In May, 1776, the General Court passed an order calling on the people to express their opinion on the question of a separation from Great Britain, and to instruct their representatives on the subject. Favorable opinions were expressed, but it was thought best to refer the matter to the Continental Congress. At the same time the General Court voted to alter the style of writs, substituting "the people and government of Massachusetts" for "George the Third," and to omit the year of the reign in official papers.

In June, 1777, the General Court proposed to prepare a constitution, and a committee was appointed for the purpose. The committee reported a constitution in January, 1778, which was submitted to the people and rejected. In February, 1779, it was again proposed to prepare a constitution, and when the question of calling a convention for the purpose was submitted to the people, it was decided in the affirmative. A convention was held at Cambridge on the 1st of September, 1779, and organized by the choice of James Bowdoin, president, and Samuel Barrett, secretary. On the 11th of November the convention adjourned to meet in the representatives' room in Boston on the 5th of January, 1780. On the 2d of March a form of constitution having been agreed on, a resolve was passed to submit it to the people, and the convention adjourned to meet in Brattle Street Church in Boston on the 7th of June. At the adjourned meeting the votes of the towns were counted, and on the 15th of June, 1780, the convention resolved "that the people of the state of Massachusetts Bay have accepted the Constitution as it stands in the printed form submitted to their revision." A resolve providing for carrying the Constitution into effect was passed, and the convention was dissolved on the 16th of June. Elections for the choice of representatives were held in the several towns, and on the 25th of October, 1780, the first General Court of the commonwealth of Massachusetts convened at the State House in Boston.

So ended the life of the province of Massachusetts Bay, and so two years before the close of the war the commonwealth of Massachusetts was born. Obscured for a time by the passing cloud of subjection to ministerial authority, the rights and liberties which its people had enjoyed as members of the Plymouth and Massachusetts colonies up to 1692, were now revived for all coming time. Never at any time reconciled to the shadow of that cloud, their whole provincial life had been a continual contest between royal prerogatives and popular rights.

It was provided in the Constitution that in 1795 the people should decide by a



vote whether a convention should be called for its revision. When that year arrived the question was decided in the negative. On the 16th of June, 1820, the year in which Maine was set off from Massachusetts, an act was passed calling upon the people to decide again whether a constitutional convention should be called. The people voted in the affirmative, and a convention of delegates met at the State House, in Boston, November 15th in that year. John Adams, who was chosen president of the convention, declined, and Chief Justice Isaac Parker was chosen in his place, and Benjamin Pollard, secretary. Fourteen articles of amendment were agreed to, nine of which were adopted by the people April 19, 1821. These are the first nine articles of amendment affixed to all the recent published copies of the Constitution. The tenth amendment was adopted May 11, 1831; the eleventh, November 11, 1833; the twelfth, November 14, 1836; the thirteenth, April 6, 1840. Another constitutional convention was held May 4, 1853, which was organized by the choice of Nathaniel P. Banks as president, and William S. Robinson and James T. Robinson, secretaries. A new form of constitution agreed upon by this convention was rejected by the people. The amendments, from fourteen to nineteen inclusive, were adopted May 23, 1855; the twentieth, twenty-first and twenty-second, May 1, 1857; the twenty-third, May 9, 1859; the twenty-fourth and twenty-fifth, May 17, 1860; the twenty-sixth, April 6, 1863; the twenty-seventh, November 6, 1877; the twenty-eighth, November 8, 1881; the twenty-ninth, November 3, 1885; the thirtieth and thirty-first, November 4, 1890; the thirty-second and thirty-third, November 3, 1891; the thirty-fourth, November 8, 1892; the thirty-fifth, November 7, 1893; and the thirty-sixth, November 6, 1894.

The declaration in the Bill of Rights practically abolished slavery in Massachusetts. Its disappearance was the result of no statute law. "All men are born free and equal," the Bill of Rights declared, and this declaration was sufficient to prohibit its existence. Slavery had existed within the state from the earliest times, and when the Constitution was adopted there was an appreciable number of slaves within its boundaries. The great-grandfather of the writer held slaves in Plymouth before the Revolution, and the writer remembers two negroes who, formerly slaves in that town, remained during their lives with the family of their masters to the second and third generation. In 1781, only a year after the adoption of the Constitution, the question of slavery in the state was settled by a Worcester court in an action brought by a slave against his master for assault and battery. The defense was the claim that the master might do as he pleased with his own. The plaintiff declared that under the Bill of Rights he was no longer a slave. The decision of the court that the plaintiff was not a slave was founded on the opinion that slavery was not authorized by law or statute, and though it had been permitted to keep negroes in such a condition the principle could not be legally recognized and sanctioned.

The insertion of the Constitution and the amendments in this sketch is unnecessary, as they may be readily referred to by every reader in the annual blue book and the annual manual of the General Court.

The most important of these amendments it may be well to refer to. That part of Article I., Section 1, Chapter II., which provided that the governor must be siezed in his own right of a freehold within the commonwealth of the value of one thousand pounds, and shall declare himself to be of the Christian religion, was annulled April 19, 1821, and November 8, 1892, by Articles 7 and 34 of the amendments. So much of the Constitution as required a freehold estate on the payment of a tax as prerequisites for voting, was annulled May 1, 1857, and November 3, 1891, by articles 3 and 32 of the amendments. Article 30 of the amendments,

adopted November 4, 1890, provided that no person otherwise qualified to vote for governor, lieutenant-governor, senators and representatives, shall by reason of a change of residence within the commonwealth, be disqualified from voting for said officers in the city or town from which he has removed his residence, until the expiration of six calendar months from the time of such removal. Article 22, adopted May 1, 1857, provided for a census in 1857 of the legal voters of each city and town, and a census of the inhabitants in the year 1865 and every tenth year thereafter; that in the census there should be an enumeration of the legal voters in each town and in each ward of the cities, which enumeration shall determine the apportionment of senators until the next census; that the senate shall consist of forty members, and that the General Court shall divide the commonwealth into forty districts of adjacent territory. It further provided that each district shall elect one senator, who shall have been an inhabitant of the commonwealth five years, and who shall be an inhabitant of the district for which he is chosen.

Article 21 of the amendment, adopted May 1, 1857, provided that the enumeration referred to in the preceding article shall determine the apportionment of representatives until the next census, and that the house of representatives shall consist of two hundred and forty members, the number of representatives for each county to be fixed by the legislature; and the mayor and aldermen of the city of Boston, and the county commissioners of other counties than Suffolk shall establish the districts. Article 20 of the amendments adopted May 1, 1857, provided that no person shall have the right to vote or be eligible to office under the Constitution, who shall not be able to read the Constitution in the English language and write his name; provided, however, that the provisions of the amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

Article 19, adopted May 23, 1855, provided that the legislature shall prescribe by general law for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district attorneys shall be chosen by the people of the several districts for such term of office as the legislature shall prescribe. Up to that time, sheriffs, registers of probate, and commissioners of insolvency, had been appointed by the governor, and clerks of the court, by the judges of the Supreme Court.

Article 17, adopted May 23, 1855, provided that the secretary, treasurer and receiver-general, auditor and attorney-general, shall be chosen annually by the people. Up to that time the secretary, treasurer, receiver-general and auditor had been chosen annually by the two houses of the legislature, and the attorney-general had been appointed by the governor. Article 16, adopted May 23, 1855, provided that eight councillors shall be chosen annually in the several councillor districts established by the legislature. Under Article 1, Section 2, Chapter 1 of the original Constitution, what is called the senate was composed of forty councillors and senators, and under Article 2, Section 3, Chapter 2, from this body nine were to be chosen by a joint ballot of the two houses, to serve as advisory counsellors of the governor. By Article 13 of the amendments, adopted April 6, 1840, these nine were to be chosen from the people at large, and this last amendment was further amended by Article 16, above referred to. Article 15, adopted May 23, 1855, changed the day of the annual election from the second Monday of November, as prescribed in Article 10 of the amendments, which changed the day from the first Monday of April, prescribed in the original Constitution. Article 14, adopted May 23, 1855, provided

that a plurality vote shall be sufficient in the election of civil officers. Article 13, adopted April 6, 1840, related to the formation of senatorial and representative districts. Article 11, adopted November 11, 1833, eliminated from the third article of the Bill of Rights, the provision that the legislature shall require towns, parishes, etc., to make suitable provision for the maintenance of public Protestant teachers of piety, religion and morality, and placing every denomination, not Christians alone, under equal protection of the law. Article 10, adopted May 11, 1831, changed the beginning of the political year from the last Wednesday in May to the first Wednesday in January. Article 9, adopted April 19, 1821, related to the method of proposing and adopting amendments to the Constitution. Article 8, adopted May 11, 1831, provided that no judge and no person holding any office under the United States except that of postmaster, shall hold the office of governor, lieutenant-governor or councillor, or senator or representative, and no judge, nor the attorney-general, district attorney, clerk of any court, sheriff, treasurer and receiver-general, register of probate, register of deeds shall hold his said office after being chosen a member of Congress and accepting that trust. Article 6, adopted April 19, 1821, provided that Quakers might make an affirmation instead of taking an oath.

An attempt has been made to provide by an amendment to the Constitution for biennial elections of state officers and members of the senate and house of representatives. Such an amendment was approved by the legislatures of 1895 and 1896, but in November, 1896, was rejected by the people. Efforts are being made to pass an amendment prohibiting the manufacture and sale of intoxicating liquors within the state, and in the characterization of electors to strike out the word male. These efforts are made by those who fail to see the inexpediency of endeavoring to give the minority the power to control the majority. Instead of doing missionary work among the people to educate them up to the point where public sentiment will crystallize itself into law, they besiege the legislature to make enactments which are not sustained by public opinion, and cannot, therefore, be properly enforced. It is doubtful whether the tide which has been setting in their favor will not reach its ebb before their wishes become realized.

In reading the Constitution of Massachusetts and the National Constitution as well, we cannot fail to realize the wisdom with which our fathers were endowed in constructing and setting in motion the machinery of a Republican form of government. With regard to the amendments of the state Constitution it may well be doubted whether some, if not many of these, have not weakened the provisions of that instrument. The popular movement in favor of making state and judicial officers elective, while it fortunately failed in touching the judiciary, has, with some exceptions, failed in keeping up to the former standard, the character and dignity of public office. The division of the state into small senatorial and large representative districts has, perhaps, on the whole strengthened the house, while it has weakened the senate and accomplished what perhaps could not be avoided, the abolition of town representation.

The first session of the General Court, held in October, 1780, consisted of two hundred members, and from that time until some years after the close of the war, it was engaged in the settlement of questions relating to ways and means for carrying on the conflict and liquidating the debts of the state. Article 9 of the Constitution provided "that to the end there may be no failure of justice or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other officers of the said government and people at



the time this Constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business in their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority until the General Court and the supreme and executive officers, under this Constitution, are designated and invested with their respective trusts, powers and authority."

In the Constitution the style and title of the Superior Court of Judicature was made the Supreme Judicial Court and on the 3rd of July, 1782, an Act was passed establishing "a Supreme Judicial Court within the Commonwealth" a description of the nature and functions of which belongs to the Judicial history contained in this work. A Court of Common Pleas was established at the same date and was a continuation of the Inferior Court of Common Pleas existing under the charter. Other courts have been established and some discontinued at various times, a description of which is outside the scope of this narrative.

During the administration of Governor Sunner in 1797 there was much excitement throughout the country in consequence of the alien and sedition acts passed by Congress. The legislatures of Virginia and Kentucky passed resolutions declaring them unconstitutional and those of the latter state promulgated the principle that any state might consider any act of Congress void which its legislature believed unconstitutional. The Massachusetts legislature more conservative in their action resolved "that the decision of all cases in law and equity arising under the constitution of the United States and the construction of all laws made in pursuance thereof are exclusively vested by the people in the judicial courts of the United States."

In that part of the narrative relating to the Plymouth Colony it was stated that the Colony was divided into the three counties of Plymouth, Barnstable and Bristol, June 2, 1685. The boundaries of Bristol County of which Bristol now in Rhode Island was formerly the shire town have undergone a change which has contracted the territory originally within the jurisdiction of the Plymouth Colony and after the union of 1692 within the jurisdiction of Massachusetts. A charter was granted by Charles the Second to "Rhode Island and Providence plantations" in 1663 under which Rhode Island claimed as a part of her territory Freetown, Fall River, Tiverton, Little Compton, parts of Berkley and Dighton, the whole of Somerset, most of Swansea, a part of Rehoboth and the whole of Warren, Bristol, Barrington and Cumberland all of which were claimed by the Plymouth Colony to be included within the territory granted to the Colony by its Patent of 1629. In 1741 a royal commission was appointed to determine the line the result of which was the annexation to Rhode Island of a strip of territory along Narragansett Bay and Seconet River including what was called the Attleboro Gore afterwards incorporated as the town of Cumberland, the town of Bristol, a part of Swansea and a part of Barrington which were afterwards incorporated as the town of Warren, all of Tiverton and Little Compton. The decree of the commission was confirmed in 1746 and in that year the shire of Bristol County was changed to Taunton. It is proper to add that notwithstanding the decree of the commission the boundary line remained in dispute until 1861 when it was finally settled.

The counties of Suffolk, Middlesex and Essex were incorporated May 10, 1643, Hampshire County May 7, 1662, Nantucket and the County of Dukes, June 22, 1695, Worcester 1731, Berkshire 1761, Norfolk 1793, Franklin 1811 and Hampden 1812. The chief changes in the boundaries of these counties have been in Suffolk

and Plymouth. When Suffolk County was incorporated it included Boston, Roxbury, Dorchester, Dedham, Braintree, Weymouth, Hingham, and Nantasket. When Norfolk County was incorporated its act of incorporation included all the towns in Suffolk County except Boston and Chelsea. Thus Hingham and Hull and Cohasset which had been set off from Hingham were included in Norfolk County. Hingham and Hull being dissatisfied with their new connection were at the same session exempted from the act of incorporation. Thus they remained in Suffolk County until on their petition they were annexed to Plymouth County.

But this narrative must be brought to a close. Neither the Shay's Rebellion in 1786, nor the controversy with the state of New York concerning claims of Massachusetts to lands west of the Hudson river, nor the proceedings of the state during the War of 1812, nor the Hartford Convention in 1815, nor finally the setting off of the state of Maine in 1820, is it necessary to refer to in this sketch. These were incidents of which the general historian must treat.

It seems also unnecessary to describe further in detail the machinery which controls and guides the government of the commonwealth. Nor can this be done without either trespassing upon the territory of the judicial historian or wandering into the distant fields of general history. A course has been pursued which the writer trusts has been sufficiently broad and clear to show the foundation on which the structure of the constitutional government of Massachusetts has been built and how with wisdom and skill in the hands of liberty-loving men, the institutions under which we live have been established and gradually perfected.




## CHAPTER CXXXIV.

### JUDICIAL HISTORY OF MASSACHUSETTS.

BY ALBERT MASON.

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N the beginnings of civilization, or of its extension to territory newly reclaimed, the community cannot at the outset achieve the highest efficiency in any of its useful activities. The necessity of rendering many kinds of service, without thorough training or extended practice in any, limits both quality and quantity of each.

In the effort of an infant community to perform the functions of civil government, practical considerations prompt, if not compel, the use of the same persons and, to some extent, the same organization or machinery for widely different governmental functions. Such was the experience of the colonies which came later to constitute the province, and still later, the commonwealth of Massachusetts.

The three great departments of government recognized in our present Constitution as fundamentally distinct, were by no means separated in the beginnings of New England. Each colony had a governor, who was at the head of its government, but his functions were not exclusively executive, nor were those which were so exercised separately. The governor had active and leading part in legislation and in judicial administration, and, in turn, shared the executive power and responsibility with those associated with him in the government.

In both colonies the government was, at first, administered by the whole people. In general court assembled, the whole people enacted the laws, devised and directed the measures by which laws were enforced, and judicially determined the rights of parties under the law or awarded punishment for its infraction. To a very limited extent only were any of these powers delegated. Civil government has developed in Massachusetts, as elsewhere, largely through the gradual separation of its great functions, that each might be perfected by greater concentration of thought and effort upon its special need.

The judicial history of Massachusetts is a record of the evolution of the judicial as a distinct governmental function, and of the practical measures devised for its wise and efficient exercise as such. Notwithstanding the solemn prohibition which concludes our Bill of Rights, the process of evolution is not complete, but traces of obscurity in the dividing lines which separate the departments of government still remain.

We term the process by which the several functions of government are differentiated and perfected evolution, because we are accustomed to the thought that man, individually and collectively, is created with all his possible powers and attainments inherent, to be evolved or brought out by culture and training. Perhaps a more



accurate conception of the fact is the thought of man as perpetually receiving life from an infinite source, in the measure of his capacity and willingness to receive it, which capacity and willingness grow by means of the faithful use of the feeble powers first given, and thus that progress is by involution rather than by evolution.

The earlier colony at Plymouth had no charter to prescribe or restrict the method of action by a free people. The compact signed in the cabin of the "Mayflower" was the only instrument which defined or limited the governmental powers which the Pilgrims assumed to exercise. Asserting the rights and acknowledging the obligations of English subjects, these pioneers of New England covenanted together and combined to become a civil body politic, and declared their purpose therein "to enact, constitute and frame such just and equal laws and ordinances, acts, constitutions and offices, from time to time, as shall be thought most meet and convenient for the general good of the colony, unto which we promise all due subjection and obedience."

An elaborate frame of government, sufficient for a large and prosperous state at its maturity, would have been cumbersome and unwieldy in the crude beginnings of the colony. There was the wisdom of statesmanship in the spirit of obedience, manifested with little of the love of dominion in the simple provision for immediate needs as these appeared.

At first a single magistrate was their only leader in civil affairs. The perils from Indians of uncertain or hostile attitude required the military organization, which speedily followed. On the death of the first governor, the successor chosen was disabled by sickness and for this reason was provided with an assistant. The two magistrates thus provided, by annual election, continued for three years to constitute the civil administration. Assemblies of the whole body of freemen were frequent, and to these assemblies the magistrates submitted the graver problems of government, whether legislative, executive or judicial.

In the third year it was enacted that all criminal facts and also all matters of trespass between man and man, should be tried by twelve honest men to be impanelled by authority. A year later five assistants were elected to aid the governor in the civil administration. These assistants, or as they were more commonly called, the magistrates, exercised some of the functions afterwards assigned to justices of the peace, but the latter officers did not exist under that name in either colony, but were first appointed in Massachusetts under the government of Andros.

The governor and assistants constituted a court for the general administration of civil affairs in the colony, but were under the control and direction of the whole body of freemen in general court assembled. They conducted jury trials, but until 1636 did not have authority to determine causes without juries. In 1636 jurisdiction was given to the governor and any two assistants to try all causes involving less than forty shillings, and also in offences of small nature "to do as God shall direct them." In 1665 the selectmen of towns were authorized to hear and determine all debts and differences not exceeding thirty shillings, also all differences between Indians and English as to damages done by animals owned by the English. A year later the jurisdiction of selectmen was increased to forty shillings. The great inconvenience for people of remote towns to attend courts at Plymouth, was given as the reason for conferring judicial powers upon selectmen.

In 1682, the governor for the time being, with three or four of the assistants, or such other substantial persons as the governor should appoint, were created a court of admiralty, either by themselves, or together with a jury, empanelled for trials, as the case may require. The court thus constituted was given jurisdiction of "all

crimes committed on the high sea or its waters," and all trials had before, by commission from the colonial government, were "made valid."

In 1685 the colony was divided into three counties, and county courts were established in the two larger. The county courts exercised most of the judicial functions of the government from this time until the union of the colonies. The development of the simple judicial system which sufficed for the Pilgrim Republic, as well as the growth of the entire civil government within its limits, does not appear to have been marked by that contention about abstract theories of government which was the occasion of so much conflict between the larger colony and the home government. Each step of progress seems rather to have been taken with sole reference to the practical needs of existing conditions, and to have followed naturally the growth of the community.

The charter of the Massachusetts Colony provided that there should be one governor, one deputy governor and eighteen assistants, chosen out of the freemen of the company, "which said officers shall apply themselves to take care for the best disposing and ordering of the general business and affairs of, for and concerning the said lands and premises hereby mentioned to be granted and the plantation thereof and the government of the people there."

To the governor, or in his absence the deputy governor, was given authority to order the assembling of the company to consult and advise of the business and affairs of the company. It is of interest to observe the precision of language in the quaint formula by which the power was conferred: "And the said governor for the time being shall or may once every month, or oftener at their pleasure, assemble and hold and keep a court or assembly of themselves for the better ordering and directing of their affairs, and that any seven or more persons of the assistants with the governor or deputy governor so assembled, shall be said, taken, held and reputed to be and shall be a full and sufficient court or assembly of the said company for the handling, ordering and dispatching of all such business and occurrences as shall from time to time happen touching or concerning the said company or plantation, and there shall or may be held and kept by the governor or deputy governor of the said company and seven or more of the said assistants for the time being upon every last Wednesday in Hilary, Easter, Trinity and Michaelmas terms respectively forever, one great general and solemn assembly, which four general assemblies shall be styled and called the Four Great and General Courts of the said company."

Although the presence of the governor or deputy governor and six or more of the assistants was sufficient to give the assembly the character of a general court, and the presence of these was essential, it was an assembly of the company. The constituent elements were the governor or deputy governor, the assistants and the freemen. These Great and General Courts were not courts of the governor and assistants only, though if the whole body was properly summoned they might be held if only the governor and seven assistants were present. If this were not clear from careful reading of the provision above cited, it would distinctly appear from a further provision in these words, "In all and every or any of which Great and General Courts so assembled we do for us our heirs and successors give and grant to the said governor and company and their successors, that the governor or in his absence the deputy governor of the said company for the time being and such of the assistants and freemen of the said company as shall be present, or the greater number of them so assembled whereof the governor or deputy governor and six of the assistants at the least to be seven, shall have full power and authority to choose nominate and appoint such and so many others as they shall think fit, and that shall be will-

ing to accept the same, to be free of the said company and body and them into the same to admit, and to elect and constitute such officers as they shall think fit and requisite for the ordering managing and dispatching of the affairs of the said governor and company and their successors, and to make laws and ordinances for the good and welfare of the said company, and for the government and ordering of the said lands and plantation and the people inhabiting and to inhabit the same as to them from time to time shall be thought meet, so as such laws and ordinances be not contrary or repugnant to the laws and statutes of this our realm of England."

The freemen of the several towns were permitted to attend the General Court by deputies of their own selection, as early as 1634. The deputies had the full power and voice of all the freemen whom they represented. It is in connection with this admission of representatives that we find the first recognition of the distinctive judicial powers exercised by the General Court. It was then provided that the court would not proceed to judgment in any cause, civil or criminal, until the deputies had taken the following oath, viz.: "I do swear by the most great and dreadful name of the everlasting God, that in all cases wherein I am to deliver my vote or sentence against any criminal offence, or between parties in any civil case, I will deal uprightly and justly, according to my judgment and conscience, and I will, according to my skill and ability, assist in all other public affairs of this court faithfully and truly, according to the duty of my place, when I shall be present to attend the service." It is noticeable that this oath contains no recognition of laws to be observed in administering criminal justice, or in determining the civil rights of parties, nor of any standard superior to the individual judgment and conscience of each deputy. It was in accord with the spirit of the times. The Puritan movement, in its intense zeal to resist unwarranted assumption of human authority, was in danger of overlooking necessary limitations of individual independence.

With the necessity of permitting freemen to attend the General Court by representatives, it was seen that the full advantage of the composite character of the General Assembly could be secured only by the magistrate or assistants, and the freemen acting separately, and it was enacted that "no law, order or sentence shall pass, or be accounted an act of this court, without the consent of the greater part of the magistrates on the one party, and the greater part of the deputies on the other party." Lest this should prevent in some cases a final conclusion in causes heard judicially, it was ordered that if the magistrates and deputies differed in any case of judicature, either civil or criminal, it should be determined by the major vote of the whole court met together.

In the beginning of the colony, its administrative and legislative affairs were not of a character to make large demand upon the General Court, and the earnest, common purpose of the people, together with the primitive conditions under which they lived, checked and simplified their individual controversies.

With every step of progress, colonial life became more varied and complex, while the intense activity and strong individuality which characterized our ancestors soon gave rise to more private contention than could be conveniently or efficiently adjusted in the General Assembly. To meet the growing need it was enacted March 3, 1635-6, that there should be four courts kept every quarter, one at Ipswich, for Ipswich and Newbury; two at Salem, for Salem and Saugus; three at Newtowne, for that town, with Charlestown, Concord, Medford and Watertown; four at Boston, for Boston, Roxbury, Dorchester, Weymouth and Hingham.

The courts thus established were to be kept or held by such magistrates as dwelt in or near the said towns, and such other persons of worth as from time to time



should be appointed by the General Court, but no court could be held without at least one magistrate. The local courts as thus constituted, of magistrates and select persons of worth associated, comprised at least five members, and were given jurisdiction of civil causes, involving ten pounds or less, and of crimes wherein the punishment did not extend to life, member or banishment.

By the same act, great quarterly courts were provided to be held at Boston four times each year, by the governor and magistrates, and to these were given original jurisdiction of all causes of divorce, and of crimes the punishment of which extended to life, member or banishment, also appellate jurisdiction of causes previously heard in the local courts above mentioned.

The Great and General Court continued to have original jurisdiction of all matters not committed to either of the courts established as above-mentioned, and also exercised appellate jurisdiction of matters determined in the great quarterly courts.

In 1639, the inferior local courts were designated as county courts, and some of their powers were clearly defined, and the courts to be held by the governor and magistrates, or assistants, were reduced to two each year, with power in the governor to convene special sittings for the trial of capital causes.

A further provision for the trial of small causes had been made in 1638 whereby each magistrate was authorized, in the town wherein he dwelt, to hear and determine, by his discretion, causes wherein the debt or damage demanded did not exceed twenty shillings. In those towns in which no magistrate resided, it was provided that the General Court should appoint, from time to time, three men, the majority of whom should have like power to hear and determine causes not exceeding twenty shillings. The right of appeal in these causes appears to have been given direct to the court of assistants, and not to the inferior local courts.

Authority was given to the governor, or deputy-governor, with any two magistrates, or, in their absence, any three magistrates, to hold a special court to try causes, civil or criminal, to which a stranger was a party, and which would otherwise be triable in the county courts. The court so held was called the stranger's court.

Although the county courts were so designated in 1639, the formal division of the colony into counties did not occur until 1643. In 1649 the jurisdiction of single magistrates and commissioners to try small causes in towns where no magistrate resided, was increased to forty shillings, and provision was made that in case the magistrate or either of the commissioners was interested, the selectmen should have power to hear and determine the cause. In 1651, it was provided that seven freemen, resident in Boston, should be elected annually by the freemen of the town, to be commissioners, the whole, or any five of them, or any three of them with a magistrate, to have jurisdiction of causes involving amounts not exceeding ten pounds. Authority was given the commissioners to appoint a clerk, and they were required to publish their court days. This court continued only for the single year.

In 1685 a court of chancery was established, consisting of the magistrates in each county, with appellate jurisdiction in the court of assistants.

The history of the colonial period discloses in neither colony any person who attained marked reputation as a jurist, unless Rev. Nathaniel Ward, of Ipswich, author of the "Body of Liberties," can be so regarded. That remarkable code may well attest his scholarship in the law and his capacity to have attained high rank at the bar or upon the bench had he continued in his earlier profession; but his life-work was that of a preacher.

The Massachusetts Colony charter was vacated June 18, 1684, but the administration of government in the colony continued without change of form nearly two

years later. The death of Charles II. and the disturbances which followed the accession of James II. occupied the attention of the government in England to the exclusion of colonial interests for a time.

In May, 1686, a new government was instituted which extended over, not merely the former colony of Massachusetts, but New Hampshire, Maine, and the Narragansett country. It did not, however, include the colony of Plymouth. The new government consisted of a president, deputy president, and sixteen councillors, all of whom were designated and commissioned by the king. The president and council were made a court of record for the trial of civil and criminal causes, and had authority to establish other courts and appoint judges to preside over them. A Superior Court, consisting of a majority of the councillors, was established to sit in Boston three times a year, and courts of pleas and sessions of the peace were provided in the several counties.

This government was provisional only, and whatever may be its place in the political history of New England, it cannot be said that the few months during which it was nominally in force had any appreciable part in the development of the judicial system of the commonwealth.

The second attempt to govern New England, without charter security of local participation, extended to both colonies, in what later became the province of Massachusetts Bay. Edmund Andros was commissioned governor of New England, and arrived in Boston December 19, 1686. For two years and four months the government was administered with harsh severity, more befitting military rule of conquered territory in an enemy's country than civil government of a free people. The governor, with the advice of his council, could make laws, establish courts of justice, and appoint judges therefor, and was himself judge in admiralty. A Superior Court of Judicature, consisting of three justices, was established with extensive jurisdiction over all civil and criminal causes. Civil actions could not be brought in the Superior Court in the first instance unless involving ten pounds or a question of freehold. An Inferior Court of Common Pleas, held in each county, had jurisdiction of civil causes in Suffolk to twenty pounds, and in other counties to ten pounds. Sessions were held in Suffolk once in two months, and in other counties once in each year. A Court of Chancery was provided, and given equity powers as ample as the High Court of Chancery in England. Commissioners of small causes were continued as under the colony charter. Appeals were permitted from the Court of Common Pleas to the Superior Court, and if the cause involved more than one hundred pounds from the Superior Court to the governor and council. If the cause involved more than three hundred pounds there was also right of appeal from the governor and council or from the Court of Chancery to the king in council.

The courts, under the government of Andros, were in organization and form, at least, equal to any which had preceded them. If the arbitrary tyranny which pervaded and characterized the government throughout extended to the courts, it was in no way due to changes in their organization. The forcible overthrow of the Andros government, in 1689, and the provisional resumption of authority by the separate colonies, doubtless aided in necessary preparation for the distinct advance in judicial organization, secured under the province charter, but made no direct contribution to that advance.

In March, 1691, a new charter was signed, but it did not reach Boston until May 14, 1692. By its provisions Massachusetts, Plymouth, Maine, and Nova Scotia, with the intervening territory, were included in one jurisdiction under the name of the Province of the Massachusetts Bay in New England. The government created by

this charter embodied the essentials of an orderly system. The legislative power was vested in a Great and General Court, consisting of the governor, twenty-eight councillors, and a house of representatives, having, at the outset, two men from each town, and thereafter, as many as the Great and General Court should determine. To the legislature, thus constituted, was given full power to erect and constitute judicatories and courts of record, and other courts, to be held in the name of the sovereign, to hear and determine all causes, civil and criminal, with, however, a right of appeal to the Privy Council in civil causes involving more than three hundred pounds. The governor and council were made a Court of Probate. The governor, with the advice and consent of council, was authorized to appoint judges, commissioners of Oyer and Terminer, sheriffs, provost-marshals, justices of the peace, and other officers to the council and courts of justice belonging. The nomination of these officers was required to be made seven days, at least, before the appointment could be confirmed by the council.

As agents of the Massachusetts colony, Sir William Phipps and the elder Mather had objected to the above provision as giving the executive too large powers, but within three weeks of Sir William's arrival as governor, he was, at the instance of Mather, acting upon a strained construction of its language, to assume power which was in fact granted only to the legislature. The power to erect and constitute judicial tribunals was not given to the executive, but only the power to appoint judges and other officers to conduct them when established. Before the assembling of any General Court, and consequently without legislative action to constitute the tribunal, commissions issued June 2, 1692, to William Stoughton, as chief justice, and Nathaniel Saltonstall, John Richards, Bartholomew Gedney, Wait Winthrop, Samuel Sewell and Peter Sargent, associate justices, purporting and assuming to constitute them a special court of Oyer and Terminer, to take cognizance of crimes in Suffolk, Essex and Middlesex. Mr. Saltonstall declined, and Jonathan Corwin was appointed in his place.

This court, which historians and legal writers have concurred in regarding as constituted without legal authority and in violation of the province charter, and which had no lawyer in its membership nor engaged in the conduct of causes before it, brought lasting shame to those responsible for its doings and to the province and commonwealth of whose history it is a conspicuous feature. The court had but brief duration. The furore against witchcraft which had called it into being subsided, and in November of the same year it was displaced by legislative provision for the permanent courts of the province. Temporary provision for general sessions of the peace, and for county or inferior courts of common pleas had been made June 28.

The legislation of November, 1692, provided first: that all manner of debts, trespasses and other matters not exceeding the value of forty shillings, wherein the title to land was not concerned, should be heard by any justice of the peace in the county, with right of appeal to the inferior court of common pleas; second, that there should be held in each county four courts or quarter sessions of the peace, except that in the two island counties two courts or sessions only were provided. These courts to be held by the justices of the peace in the county, were given jurisdiction to determine all matters relating to the conservation of the peace and punishment of offenders, and whatsoever should be by them cognizable by law. It was also provided that an inferior court of common pleas should be held in each county at the times provided for quarter sessions, by four justices of the peace residing in the same county, any three of whom to be a quorum, for the hearing and determining of all civil actions arising within the county and triable at common law, the defeated party



having a right of appeal to the Superior Court; fourth, that there should be a Superior Court of judicature for the entire province, consisting of one chief justice and four other justices, three of whom to be a quorum, said court to have cognizance of all common law actions and of all crimes.

Plaintiffs were permitted to bring suit at their election in the Inferior or Superior Court, except that actions for less than ten pounds could not be brought in the Superior Court unless the freehold was concerned, nor could actions for less than forty shillings be commenced in the Court of Common Pleas. The same act provided that issues of fact should be tried by twelve good and lawful men of the neighborhood, and that none should be returned to serve as juror but such as had real estate of freehold worth forty shillings per annum, or personal estate worth fifty pounds. It was provided that those required to serve as grand or petit jurors from each town, should be chosen by those inhabitants who were themselves qualified for such service. All processes and writs issuing from either of said courts were to be in the name of the sovereign. The justices of each court were given power to make rules and orders in relation to practice and procedure. It was also provided that every party should have liberty to plead or defend his cause in person or with the assistance of such other as he should procure, being a person not scandalous or otherwise offensive to the court. The same act provided for a High Court of Chancery, to be held by the governor or such other as he should appoint to be chancellor, assisted by eight or more of the council, who should appoint all necessary officers to said court. Provision was also made for appeal to their majesties in council from any of said courts in personal actions involving over three hundred pounds security, being given according to the provisions of the charter.

The act of November, 1692, was disallowed by the Privy Council, August 22, 1692, because the right of appeal to the king in council was limited to personal actions, instead of being general as required by the charter. In October, 1696, the act of November, 1692, was revived, and continued, striking out the words of limitation in the provision relating to appeals to the king in council. This second act was also disallowed, November 24, 1698, because the act which it revived had been disallowed. The Provincial Legislature in June, 1698, passed two acts which together covered the ground of the act of November, 1692. The first related solely to the jurisdiction of justices of the peace, and made no important changes. The second related to the Inferior and Superior Courts, and followed substantially the lines of the act of 1692, except that it changed the name of quarter sessions of the peace to general sessions of the peace and omitted the provision for a Court of Chancery. The latter act was disallowed, November 24, 1698, because its provision for the trial of all issues of fact by a jury was deemed in conflict with an act of Parliament providing for the trial of causes relating to breach of the acts of trade in the Court of Admiralty.

It was not until June, 1699, that the province succeeded in organizing the courts to the satisfaction of the Privy Council. This result was attained by the passage of three separate acts—the first providing for general sessions of the peace at stated times in each county to hear and determine all matters relating to the conservation of the peace and punishment of offenders and whatsoever was cognizable according to law. Provision was made in this act for the attendance of juries and for appeal by aggrieved defendants to the next court of assize and general gaol delivery to be held in the county by the Superior Court; also, for appeal from any justice of the peace sitting separately to the next court of general sessions of the peace in the county.

The second act established Inferior Courts of Common Pleas in all the counties and in the island of Nantucket, and fixed times and places for holding sessions thereof. All processes from said courts were to be in the king's name. The courts were to be held by four substantial persons, appointed and commissioned as justices thereof in each county, any three of whom were to be a quorum. The Courts of Common Pleas were given jurisdiction of all civil actions arising in the county and triable at common law, provided that no action for less than forty shillings should be brought in these courts, unless the freehold was concerned or it was brought thither by appeal from a justice of the peace.

The third act established a Superior Court of Judicature, Court of Assize and general gaol delivery for the whole province, which court was to consist of one chief justice and four other justices, any three of whom were to be a quorum. This court was given jurisdiction of all pleas—real, personal or mixed—as well as of all pleas of the Crown and all matters relating to the conservation of the peace and punishment of offenders, as fully and amply “as the Courts of King's Bench, Common Pleas and Exchequer within his majesty's kingdom of England have or ought to have.” The act fixed times and places of sessions for the several counties, and did not require sessions in all the counties. Sessions were provided at Plymouth for the counties of Plymouth, Barnstable and Duke's county. Trials for capital offences committed in Nantucket were to be held on the island, but appeals or writs of error from the Court of General Sessions or Inferior Court of Common Pleas in Nantucket were to be heard in Suffolk or Middlesex. Provision was made for the attendance of juries at all the sessions of the court.

Regulations for procedure in civil cases and concerning appeals were now embodied in a separate statute, the most important provision of which was as follows: “That it shall be the liberty of the party aggrieved, at any judgment given in any Inferior Court of Common Pleas within this province, to appeal therefrom unto the next Superior Court of Judicature, Court of Assize and General Gaol Delivery, to be held within or for the same county; and, upon judgment given at said Superior Court of Judicature upon such appeal, it shall be lawful for either party, appellant or defendant, to review such action by process out of the said Superior Court, or otherwise, the party aggrieved at any judgment given in any Inferior Court of Common Pleas may, by a new process, review said case in the same court where it was first tried; and, after judgment given upon such trial by review, the party aggrieved at the same judgment may appeal therefrom unto the next Superior Court of Judicature, to be holden for or within the same county, or may bring his writ of error for a new trial of the said case in the said Superior Court of Judicature; and, in all cases wherein the plaintiff or defendant shall have obtained the number of three judgments, it shall be a final issue and determination of such case; and every action of review shall be brought within the space of three years; and no civil action shall be originally brought into the Superior Court of Judicature, unless in cases where the king is concerned.”

A modern community of repudiating debtors could not well provide more effective obstruction to the diligent creditor than was possible under the above provision, and it is not surprising that the lords of trade represented to the lords justices that this act, giving liberty for three trials before sentence or judgment in any case be final or conclusive, and between each trial allowing a liberty of three years' suspense, was dilatory and vexatious, nor that by reason of this feature it was disallowed by the Privy Council October 22, 1700.

Substitute statutes were passed in 1701, providing one appeal from the Inferior

Court of Common Pleas to the Superior Court of Judicature, and one review in each court, and still permitting review to be brought at any time within three years from the judgment to be reviewed. The changes effected by the substitute statutes were far short of the reasonable needs of the diligent litigant, but the new statutes seem to have been allowed to stand. In 1754 it was provided that whenever the party, whether plaintiff or defendant, which shall have recovered judgment on the first trial, shall likewise recover on the second trial, no review shall be allowed in such action. The preamble to this statute recites that trials in civil actions upon appeals and reviews have been unnecessarily multiplied, to the great charge and grievance of many of his majesty's subjects. In 1757, by an act having the same preamble, the right to review was further restricted to the Superior Court only. The Common Law Courts, as established by the act of 1699, continued substantially unchanged, until the province became the commonwealth by the adoption of the Constitution in 1780.

The province charter contained a provision that the governor for the time being, with the council or assistants, "may do, execute or perform all that is necessary for the probate of wills, and granting of administrations for touching or concerning any interest or estate, which any person or persons shall have within said province or territory." Under this provision Probate Courts were immediately organized in each county, without legislation by the General Court, and probate business was administered by these courts, with right of appeal to the governor and council as the Supreme Court of Probate, until the adoption of the Constitution. The provision of the Constitution that "all causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall by law make other provision," was but a continuance of the law and usage of the province.

The province charter, though it authorized the General Court to establish judicatories, contained a reservation with reference to courts of admiralty in these words: "Provided always and it is hereby declared that nothing herein shall extend or be taken to erect or grant or allow the exercise of admiralty court jurisdiction, power or authority, but that the same shall be and is hereby reserved to us and our successors, and shall, from time to time, be erected, granted and exercised by virtue of commissions to be issued under the great seal of England or under the seal of the high admiral or the commissioners for executing the office of high admiral of England." The English colonies were divided into districts, over which judges of admiralty were appointed, and such judges had the power of appointing deputies to act under them. At first the northern district included New York, Massachusetts, Connecticut, Rhode Island and New Hampshire. New Jersey was afterward added, and later, New York and New Jersey were withdrawn, and the New England provinces alone constituted the district. In 1703 the district was further divided by the withdrawal of Connecticut. In 1767 the district was again made to include all New England, and continued thus as long as English authority was recognized. The court of admiralty had jurisdiction of breaches of the English acts of trade, and trials therein were without juries.

There is not space in the present chapter, nor are data readily accessible for discriminating review of the personnell of the provincial judiciary. We have no published reports of their decisions from which to learn the official characteristics of individual judges. Washburn states that there were but four educated lawyers upon the superior court of the province during its existence, from 1692 to 1780. The first of these was the elder, Benjamin Lynde, associate judge from 1712 to 1729, chief



justice from 1729 to 1745. He was graduated at Harvard in 1686, and pursued his legal studies in England at the middle temple. His appointment to the bench was accepted by his associates as giving promise that hereafter the court was to have the aid of those trained at the inns of court, and on the occasion of his taking his seat, Judge Sewall gave expression to the satisfaction of the members of the court in the new element of strength. The traditions are unmistakable that Judge Lynde rendered the province signal service, and made good the promise which his appointment gave of strengthening the judicial side of its government. It is to be regretted that we cannot study the opinions which he gave.

The second trained lawyer appointed was Paul Dudley, son of Gov. Joseph Dudley. He served as associate justice from 1718 to 1745, and as chief justice from 1745 to 1751. He was a graduate of Harvard in the class of 1690, and studied law both in the province and in England. He was attorney-general of the province from 1702 till his appointment to the bench, in 1718. He was active in the legislature while a member of the court, and in 1739 was elected speaker, but rejected by a hostile governor. His reputation as a scholar and writer extended to England. He was a man of decided distinction outside of his judicial fame, but his successor as chief justice, Stephen Sewall, said of him that it was on the bench that he shone with greatest lustre. He was of quick apprehension, uncommon strength of memory and extensive knowledge. He was impartial, never a respecter of persons, and spoke with authority and energy which never failed to command attention.

The other two educated lawyers were Edmund Trowbridge, associate justice from 1767 to 1775, and William Cushing, associate justice from 1772 to 1775. Judge Trowbridge was in sympathy with those who adhered to the crown, and resigned in 1775, but he did not forfeit the respect of the people nor leave the country, but remained in retirement until his death in 1793, at the age of eighty-four. William Cushing was removed at the Revolution in 1775, but restored to the court under the new order, became chief justice in 1777 in place of John Adams, who had never taken his seat, and resigned in 1789 on being appointed a justice of the Supreme Court of the United States.

It is a mistake to assume that other members of the highest judicial tribunal of the province were not familiar with the legal learning of the times because not educated for or trained by practice in the legal profession. Nearly all of them were graduates of Harvard, and of ability in general scholarship. Participating actively in public affairs they had become familiar with the organization of the government and its administration, also with the legislation of the province and of parliament affecting provincial affairs, and when appointed to judicial duties did not fail to apply themselves to studies calculated to give them efficiency in the work. Law libraries were not then so extensive as now, and the mastery of such books of the law as were then accessible was not a formidable task for trained scholars. It is not probable that so far as familiarity with books of the law could give equipment for judicial work, the trained lawyers of the court were so much better furnished than their associates as might be hastily assumed. While it is not practicable to make accurate comparison of the legal attainments of the provincial judges, it is quite certain that the average standard was not a low one. The second Benjamin Lynde, associate justice from 1745 to 1769, and chief justice from 1769 to 1771, is not known to have been educated for the bar, but he was a graduate of Harvard in 1718, entered public life almost immediately, and had eleven years' preparatory training in the Suffolk Court of Common Pleas before his promotion to the Superior Court. When in 1770 he presided at the trial of Captain Preston and the soldiers connected with the his-

torical event known as the Boston massacre he betrayed no lack of legal equipment nor of judicial firmness. Thomas Hutchinson, one of the ablest judges of the provincial period, for eight years chief justice, was a graduate of Harvard in 1727, and first entered commercial business, but failed of success. He thereupon began the study of law, but with reference to public life rather than to practice in the profession, and never became a member of the bar. Had history occasion to deal only with his judicial career his place would be that of unquestioned ability, learning and integrity. His political errors brought upon him such obloquy that scant justice has been done to his distinguished service in other lines. Peter Oliver, the last chief justice under the provincial government, was a graduate of Harvard in 1730, and, although he entered no profession, was a man of much culture. He had served upon the Court of Common Pleas for Plymouth County eight years prior to his appointment to the Superior Court in 1756. For sixteen years he served as associate justice of the latter court to the acceptance of every one, winning a high reputation for accurate learning, fearless independence of action, and uncompromising integrity. In 1772 he was appointed chief justice, and in little more than two years was among the most intensely hated of the adherents of the crown. As conscientious in his political errors as any patriot who assisted in burning his effigy or his beautiful home at Middleboro, his fidelity to convictions cost him temporary obloquy of the gravest character, and those who cherished his good name saw the record of history made up ignoring his life-long faithful service and preserving only that which had been condemned. The record which is unjust may last for time, may have no correction in earthly annals, but, nevertheless, it cannot abide to injure. If we had better means of measuring the useful service of William Stoughton, Samuel Sewall, Stephen Sewall, Edmund Quincy, Richard Saltonstall, John Cushing, and the other judges, it would doubtless give us higher estimates of their individual merit, and fuller appreciation of the large contribution of the provincial period to the judicial history of Massachusetts.

Profound study of the principles of government attended the adoption of written constitutions by the emancipated colonies and provinces upon their assumption of new dignity as sovereign states. There had been progress substantial and important under governments subject to that of the mother country, and it cannot be doubted that elements of progress were inbred in the race, and further progress would have followed had the subjection continued. There was, however, a fresh impetus given to the advance in every department of government from the earnest deliberation of men deeply impressed with the responsibilities of the new sphere of independent action. No human formula can be a perfect or final statement of theories or principles of civil government, but in the upheaval of revolutions great leaders striving for true conceptions of individual rights and duties in their relations to the state, can be lifted above the normal level of ordinary times and discern what could otherwise be reached only by slow successive steps. The Massachusetts Declaration of Rights contains three paragraphs which admirably illustrate the clearness of thought upon fundamental principles which the leaders who framed the Constitution of the commonwealth had attained. First Article XI.: Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay conformably to the laws. Second, Article XXIX.: It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of

the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the Supreme Judicial Court should hold their offices as long as they behave themselves well, and that they should have honorable salaries ascertained and established by standing laws. And third, Article XXX.: In the government of this commonwealth the legislative department shall never exercise the executive and the judicial powers or either of them; the executive shall never exercise the legislative and the judicial powers or either of them; the judicial shall never exercise the legislative and executive powers or either of them; to the end it may be a government of laws, not of men.

There is also a clause in the frame of government which is important in the judicial history of the commonwealth wherein it is provided that "all judicial officers duly appointed, commissioned and sworn, shall hold their offices during good behavior, except such concerning whom there is a different provision in this Constitution; provided nevertheless the governor, with the consent of the council, may remove them upon the address of both houses of the legislature."

The new Constitution gave the general court full power to constitute judicatories and courts of record, or other courts to be held in the name of the commonwealth for determining all matters arising within the commonwealth or between those residing or brought within the same, whether civil or criminal. The Constitution itself continued the courts as they existed under the province government and continued under the Revolutionary regime by a provision in these words: "To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all officers of the said government and people at the time this Constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments."

Statutes regulating the time and place of sessions of the highest court and incidental matters pertaining to it, were passed by the legislature of the commonwealth, sometimes using the old name of the court and sometimes its designation in the Constitution, but not until July 3, 1782, was the act passed which formally established the supreme judicial court with one chief justice and four other justices. This act contained no express displacement of the former court, nor was it construed to effect such displacement by implication, but to continue the highest existing judicial tribunal under the new name with its powers and duties defined in the new legislation.

By an act, also approved July 3, 1782, the county courts of common pleas were established or continued without radical change in organization or jurisdiction.

Still another act, approved on the same day, did the same for the general sessions of the peace in each county. The Constitution had continued all the courts until the legislature should exercise its power to constitute judicatories and courts of record, and the three statutes above cited were operative only to announce such changes as the general court then deemed it necessary to make in existing courts.

The Constitution provided that probate appeals should be heard and determined by the governor and council until the legislature should by law make other provision. Such other provision was made by statute approved March 12, 1784, which established probate courts in each county and made the supreme judicial court the supreme court of probate, with appellate jurisdiction over all orders and decrees



made by judges of probate in their respective counties and original jurisdiction in matters wherein the judge of probate was a party or interested.

Divorce jurisdiction, originally also with the governor and council, was given to the supreme judicial court by statute March 16, 1786.

The young commonwealth was subjected to a severe test in 1786 and 1787. It was for a time doubtful whether the government established at so great sacrifice and from which so much was hoped, had strength enough to maintain its own existence. The spirit which had rejected the government of England because not justly administered and brought English subjects to count resistance to constituted authority patriotism, could not easily accept control even from a government of its own creation, when such control seemed oppressive in operation. The burdens growing out of the prolonged struggle for independence would have been heavy under any possible conditions, but they were much increased by the weak and inefficient confederation under which national emancipation had been secured. The daily hardship which bore so heavily upon every industry could not be easily raised to the heroic atmosphere which had aided to sustain the effort which made free institutions possible. Disaffection and misdirected complaints were on every hand. Rebels claimed that they and those for whom they acted were a majority of the whole people, and at times those who were faithful to the government had reason to fear that the claim was valid. Redress of grievances was attempted by armed resistance to the operations of government. The enforcement of legal rights brought distress in many quarters, and as the courts were the instruments through which law was administered, it was against the courts that armed force was directed to stay action which was deemed oppressive. Unlawful obstruction was more or less successful, and in several counties the regular sittings of the courts were prevented by force. The executive acted with reasonable promptness and with such vigor as halting and compromising legislation would permit, but it was not until the summer and autumn of 1787 that efficient means were taken and loyally supported by legislative action, to end the rebellion. Peace and good order were restored, the courts resumed their normal function and the commonwealth made a fresh start, stronger in all departments of government for the grave perils it had encountered.

By a statute passed March 4th, 1800, the justices of the supreme judicial court were increased to seven, any three of them to be a quorum to hold a court. The commonwealth was divided into two circuits outside of Suffolk, and two supreme judicial courts sat at the same time resulting in some contradictory decisions, though these were not then reported for publication as precedents. March 7th, 1801, any two of the justices were authorized to hold the court. Feb. 29, 1804, the number of justices was reduced to the original five with provisions that the court could be held by one or more justices, exceptions being allowed when the court was held by less than three justices. Capital trials, probate appeals and motions for new trial were still to be had or heard before three justices. The act of 1804 was repealed March 15th, 1805, but the court continued with five justices as before, law terms to be held by three or more justices established for each county, and other terms to be held by one or more justices with exceptions from these to a law term. Capital trials were to be at the law terms only, and motions and petitions for new trials, probate appeals, all questions of divorce and alimony, questions of law on agreed facts, or on special verdict, and all issues of law were also to be heard at law terms. The admission of attorneys was also to be by the full court alone. In 1820, it was provided that divorce causes might be heard at sessions held by a single justice.

Chap. 98, Acts of 1823, reduced the number of justices to four. The number

was again increased to five by chap. 78, Acts of 1837, and again reduced to four by chap. 87, Acts of 1840. The statute of 1840 also gave the Supreme Judicial Court exclusive jurisdiction of writs of entry except for foreclosure, and of all civil actions involving in the county of Suffolk more than six hundred dollars or more than three hundred in any other county.

By chap. 9, Acts of 1843, it was enacted that the salaries of the justices be reduced, but the constitutional error was promptly corrected by chap. 24, Acts of 1844, restoring the salaries as before the attempted reduction, and also providing for payment of the full salary for the intervening period.

The number of justices was increased to five by chap. 9, Acts of 1848, and further increased to six by chap. 127, Acts of 1852, and still further to seven by chap. 40, Acts of 1873, at which last number it now remains.

Full equity jurisdiction where there was not full adequate and complete remedy was at law given to the Supreme Judicial Court by chap. 214, Acts of 1857.

The County Courts of Common Pleas established or continued by the Act of July 3, 1782, which consisted of four justices, inhabitants of the county, appointed by the governor, any three of whom were a quorum, continued with slight modification of jurisdiction until displaced in 1811, by the Circuit Courts of Common Pleas then established. In 1804, the number of justices was reduced to three as vacancies should occur, and the jurisdiction increased by transfer of all the powers and duties of the courts of general sessions of the peace except the administrative functions which in later years were devolved upon county commissioners. The act also provided that there should be no appeal from the Courts of Common Pleas in any action wherein the amount claimed did not exceed fifty dollars, and that two justices might hold the court when the third was unable to act.

The act of 1811 established six circuits in the commonwealth, and in each circuit a court of three justices under the same name as the courts displaced. The new courts were given jurisdiction of all civil actions, except those wherein the Supreme Judicial Court, or justices of the peace, had original jurisdiction, and the same criminal jurisdiction as the County Courts of Common Pleas had exercised, also appellate jurisdiction, both civil and criminal, from justices of the peace. In 1814 the Circuit Court of Common Pleas was displaced in Suffolk by the Boston Court of Common Pleas.

By chapter 79, of the Acts of 1820, the Circuit Courts of Common Pleas and the Boston Court were abolished, and a Court of Common Pleas for the commonwealth was established. It was provided that this court should consist of four justices of sobriety of manners and learned in the law. The powers and duties of the court were nearly the same as those of the courts displaced, though in Suffolk it had no criminal jurisdiction. A criminal court for Suffolk had been established in 1800, under the title of the Municipal Court of the City of Boston, which court had concurrently, with the Supreme Judicial Court, the jurisdiction of crimes given to the Court of Common Pleas in other counties.

In 1843 the number of justices of the Court of Common Pleas was increased to five, and the justices required to hold the Municipal Court of the city of Boston. The number was further increased to six in 1845, and to seven in 1851. By chapter 449, Acts of 1855, the Superior Court for Suffolk county was established, and terms for the Court of Common Pleas, for that county, abolished. The Suffolk Superior Court consisted of four justices, and its civil jurisdiction included that before exercised by the Court of Common Pleas, and was exclusive in certain sections at first to the amount of \$1,500, and later to \$3,000. The justices were also ex-officio justices of the Municipal Court above mentioned.

By Chapter 196, of the Acts of 1859, the Superior Court for the commonwealth was established, and the Court of Common Pleas, the Superior Court, of the county of Suffolk, and the Municipal Court, of the city of Boston, were abolished. The population of Massachusetts, in 1820, when the Court of Common Pleas was established, with four justices, was 523,287. In 1860 it had somewhat more than doubled and was 1,231,066. The Superior Court had ten justices, one less than the aggregate upon the courts displaced, and was given "the same powers and jurisdictions in all actions and proceedings at law, whether civil or criminal, as the Supreme Judicial Court, the Court of Common Pleas, the Superior Court, of the county of Suffolk, and the Municipal Court, of the city of Boston," then had except as provided in the act. All causes, civil or criminal, pending in the courts abolished, were transferred to the new court; also all actions at law and appeals in insolvency, pending in the Supreme Judicial Court, wherein the amount involved did not exceed in the county of Suffolk \$4,000, or in any other county \$1,000; also all capital cases. Jurisdiction in actions at law involving more than the sums named as above, was continued in the Supreme Judicial Court, concurrent with the Superior Court, and exclusive jurisdiction of divorce, probate appeals and equity. Capital causes were to be tried in the Superior Court before three judges. Provision was made for appeal to the law term of the Supreme Judicial Court by any party aggrieved by the judgment of the Superior Court on any matter of law apparent on the record, except judgment on any plea in abatement, or motion to dismiss for defect in form of process, but such appeal could not transfer the case from the Superior Court, but only the question of law to be determined. Specific provision was also made to take up questions of law, not apparent on the record, by exception, and again it was provided that in no case of exceptions should the action be removed from the Superior Court, but only the question to be determined.

This act of 1859 contained many specific provisions to promote vigorous administration, and to expedite the decision of causes in the Superior and Supreme Judicial Courts. Its framers seem not to have been averse to new departures, and it was a somewhat radical movement toward a single trial court for serious causes, and toward distinct limitation of the appellate jurisdiction of the Supreme Judicial Court in actions of law and criminal cases solely to questions of law separated from the cause as a whole. That the act was somewhat in advance of what public opinion was prepared to sustain, is indicated by the fact that by chapter 282, of the acts of the same year, passed at the extra session, the trial of capital cases was restored to the Supreme Judicial Court, before there had been any trial of this character in the Superior Court.

The revision of the statutes of the commonwealth published in 1860 under the name of the General Statutes, was enacted at the extra session in 1859, but went into effect May 31, 1860. It contained as Section 5 of Chapter 115, a provision in these words: "The courts shall not charge juries with respect to matters of fact, but may state the testimony and the law." This provision remains unchanged in the public statutes now in force. The history of the introduction of this provision into the statute law of the commonwealth is interesting in view of the change which it has been thought to effect in trials by jury. It stands in the general statutes without note or reference to prior origin. It is not contained in the report of the commissioners who prepared the revision to and including the legislation of 1858, nor in any statute referred to the special committee which sat during the recess in 1859 to consider the commissioners' report, and to incorporate the legislation of 1859. It first appears in the report of the special committee above mentioned, and there



stands verbatim as it was finally enacted. That committee were careful to add notes or explanations to each chapter wherein substantial changes were made, but the provision in question was not deemed worthy of mention. The journal of neither branch shows any reference to the provision, or any separate action upon its insertion. The original and essential idea of a charge when used in any connection like that of the provision in question, is that of authoritative command or direction. At common law it was error to give such command or direction to a jury upon a question of fact, but it was not error for the court in its discretion to aid the jury by comment upon the evidence, or calling attention to parts of it deemed important, or even to express opinion on its weight, provided all matters of fact were ultimately submitted to the determination of the jury. In view of its origin and history, it might not have been a forced construction of the provision to have held it to be only a statute affirmation of the common law as declared in well-considered cases. The statute has received authoritative interpretation which gives it more extended meaning. The trial court in effort to observe both the letter and spirit of the statute as interpreted, has probably exceeded the requirement of either, withholding from juries needed assistance in dealing with evidence, and its application to complicated issues of fact.

By Chapter 230, Acts of 1875, the number of justices of the Superior Court was increased to eleven; by Chapter 31, Acts of 1886, it was increased to twelve; again, by Chapter 58, Acts of 1888, to fourteen; by Chapter 271, Acts of 1892, to sixteen, and by Chapter 526, Acts of 1896, to eighteen.

In 1860, and for thirteen years thereafter, sixteen justices sufficed for the work of the two courts of general jurisdiction, to which twenty-five justices are now assigned. The population of the state has increased from one million two hundred and thirty-one thousand and sixty-six in 1860, to two million five hundred thousand one hundred and eighty-three in 1895; the valuation from \$861,547,583 in 1861, to \$2,653,934,509, or, in round numbers, the population is now more than double what it was at the establishment of the Superior Court, and the valuation more than three times what it was then. With such increase in the number and means of the people, it was inevitable that large increase in the work of the courts should result, but the large relative growth of the Superior Court is due mainly to the transfer of jurisdiction to it from the Supreme Judicial Court, although legislation has imposed some duties not before assigned to either court. Chapter 261, Acts of 1873, gave permission to parties entitled to a sheriff's jury for any purpose, to bring petition in the Superior Court, and have trial therein as other cases are tried by jury. A transfer of nearly all the work of sheriff's juries has resulted. By Chapter 28, Acts of 1880, it was provided that no action of tort should be brought in the Supreme Judicial Court, or removed thither from the Superior Court. Chapter 223, Acts of 1883, gave to the Superior Court original and concurrent jurisdiction with the Supreme Judicial Court in equity, and subsequent statutes included various special subjects, wherein equitable relief in the Supreme Judicial Court had been given. Exclusive original jurisdiction in all causes of divorce and nullity of marriage, was given to the Superior Court by Chapter 332, Acts of 1887, and Chapter 127, Acts of 1890, gave jurisdiction of appeals from assessors. Chapter 379, Acts of 1891, restored to the Superior Court exclusive jurisdiction of capital crimes. Chapter 169, Acts of 1892, made the original jurisdiction of petitions for partition, writs of entry for foreclosure of mortgages, and all real actions, exclusive in the Superior Court. This act also took away the power to remove actions and petitions wherein the amount involved exceeded \$4,000 in Suffolk, or in any other county \$1,000, which, except in actions of tort, had remained under Sections 7 and 8 of Chapter 152, of the public statutes.

Chapter 384, Acts of 1885, abolished terms of court so far as related to civil business and required the supreme judicial court and superior courts to be always open in every county.

The trend of recent legislation to relieve the supreme judicial court of *nisi prius* work arises from the necessity occasioned by the volume of its appellate work rather than from any theory of the proper division of judicial duties, and future action in the same direction is likely to be controlled by the same necessity.

The space allotted to the present chapter will not permit us to follow the development of inferior courts of local jurisdiction with minute attention to each step of progress. Gradually the jurisdiction of justices of the peace, trial justices and local courts of differing powers, has been displaced until nearly the whole commonwealth now has an admirable system of district and police courts with uniform jurisdiction and rules of practice. These courts sit without juries and have jurisdiction concurrent with the superior court of all crimes below the grade of felony—exclusive original jurisdiction in personal actions, and various statute proceedings involving not exceeding one hundred dollars and concurrent jurisdiction in the same when the amount involved exceeds one hundred and does not exceed one thousand dollars. In Suffolk the municipal court of the city of Boston has civil jurisdiction to the extent of two thousand dollars.

Probate Courts are established in each county, and in each county except Suffolk and Middlesex the court has but one judge. In each of the counties named there are two judges. Insolvency courts are also established in each county, presided over by the judges of probate.

The personnel of the courts since the Revolution presents an inviting field of study. The most general review of the judicial history of the commonwealth could not ignore so important a factor in shaping and moulding this department of the government. One of the most distinguished men of the province and of the young nation was commissioned to be at the head of the supreme judicial court at the beginning of the new government, but the country had need of him in other service and he never took his seat as chief justice of Massachusetts. William Cushing, the senior associate, who had served under the province and the provisional government five years, became chief justice and served with such acceptance that he was promoted to the Supreme Court of the United States in 1789. He was succeeded by Nathaniel P. Sargent, who had already served fifteen years as associate justice, but lived only a single year after his promotion. At the death of Chief Justice Sargent, Francis Dana, who had served five years as associate but was not then the senior, was advanced to the chief justiceship and served until 1806. His judicial service of twenty-one years was marked by eminent learning, strict impartiality and appropriate dignity of bearing. In 1806, upon the resignation of Chief Justice Dana, Theophilus Parsons was appointed chief justice direct from the bar, and served until his death in 1813. No member of the legal profession in his time was more distinguished for extensive and varied scholarship. He was a recognized giant in the law, but was only less eminent in classic and scientific learning. Mr. Justice Parker in his glowing tribute deemed it no exaggeration to say of Chief Justice Parsons, that for more than thirty years he had been acknowledged the great man of his time. In the provincial period and during the early days of the commonwealth the full court presided at jury terms, and the legislation which fully established the *nisi prius* system by which the final determination of the law was separated from the determination of facts was passed in 1805. The successful inauguration of the new system demanded signal ability, and the selection made for the head of the court at this important period was universally approved.

At the death of Chief Justice Parsons, he was succeeded by the senior associate, Samuel Sewall, who survived but a few months after his promotion, but enjoyed in a high degree the confidence and respect of his associates.

In 1814, Isaac Parker, who had served eight years as associate, was appointed chief justice, and served as such until his death in 1830. The distinction of Chief Justice Parker's service was, up to the time of his death, second only to that of the brilliant Parsons.

In 1830 the chief justiceship was again filled by appointment direct from the bar, and again the acknowledged great lawyer of his time was placed at the head of the court. The commonwealth enjoyed his great service for thirty years, and its courts derived incalculable benefits therefrom. It is given to few who serve upon the bench to make larger contribution to or stronger impress upon the law than was made by Lemuel Shaw. By common consent, first of the commonwealth in judicial fame, there are few superiors among the great judicial names of any state or of the nation itself. The difficult task of succeeding Lemuel Shaw was assigned to George T. Bigelow, who had served as associate justice from 1850 and had two years prior service on the Court of Common Pleas. He served as chief justice until 1868, and, although it cannot yet be said that any one has rivalled the great career of Shaw, it can be said that the contribution of Judge Bigelow to the law of the commonwealth is of unmistakable excellence. His opinions are models of concise statement of the law and are of wonderful clearness. There are none more valuable in *nisi prius* work. Reuben A. Chapman, associate justice from 1860, served as chief justice from 1868 to 1873, and won in it the high esteem of his associates and of the bar. Horace Gray, associate justice from 1864, graced the position of chief justice from 1873 until called higher to the Supreme Court of the United States in 1882, and may he long continue of the living with whose judicial career this chapter may not deal. Marcus Morton was appointed on the Superior Court for the county of Suffolk in 1858, and upon the Superior Court for the commonwealth in 1859, was promoted to the Supreme Judicial Court in 1869, where he served as associate justice until his appointment as chief justice in 1882. He served as chief justice until 1890, when, to the great regret of his associates and of the bar, he felt compelled to resign by reason of ill health. He died in 1891. His reputation as a *nisi prius* judge was exceptionally high, and his work upon the Appellate Court added materially to the high estimate of his ability. His mind was of the comprehensive type, which grasps a subject in its entirety, readily discerns the salient principles upon which a cause should turn and does not suffer these to be obscured by too minute presentation of particulars upon single aspects. His published opinions are admirable statements of legal principles and concise reasoning.

Upon the resignation of Chief Justice Morton, Walbridge A. Field, associate justice from 1881, became chief justice, and the profession trust that the day is far distant when the record of his administration of the high office shall become a fit subject for historical discussion.

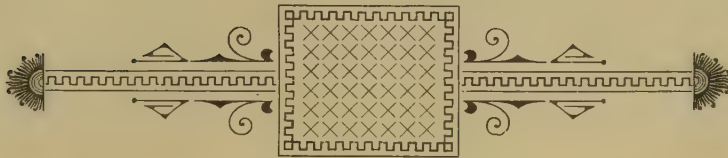
Space does not permit a review of the individual characteristics of associate justices who have contributed to the strength of our highest judicial tribunal, but the profession study the published opinions of the court with abiding respect for the men who wrote them. Of the early days the memory of Thacher, Sedgwick, Jackson, Putnam, Wilde, the elder Morton, Dewey, Hubbard, Metcalf and Fletcher is still cherished, and of more modern days Thomas, of graceful dissenting fame, Merrick, Hoar, Colt, Foster, Wells, Ames, Devens, Lord, Soule, Wm. Allen, Colburn and Gardner are read, and the distinctive merits of each have generous appreciation.



*Nisi prius* judges, however eminent and successful in their most important work, cannot make the work itself part of the law and of its history, as the appellate work of the court of last resort does become. Notwithstanding the ephemeral character of the fame of a *nisi prius* judge, the present generation of lawyers will cherish the memory of Chief Justice Brigham, so long at the head of the Superior Court, as an ideal judge, nor soon forget the genial senior associate, Julius Rockwell, who was in close touch with every phase of the life of the people, and remarkable in his perception of that which would work out justice in their controversies. The clear-cut, admirable statements of law by the venerable Ezra Wilkinson; the incisive charges of the cultured Robert C. Pitman; the trenchant vigor of the keen and fearless P. Emory Aldrich, and the distinctive characteristics of Henry Vose, Thomas Russell, John Phelps Putnam, Chester I. Reed, Francis H. Dewey, John W. Bacon, and Hamilton B. Staples, will long remain as pleasant memories. Possibly longer than any of these will be remembered the ever-bubbling, irrepresible wit of Charles P. Thompson.

The constitution of the courts of the United States has not fallen within the scope of this chapter, but Massachusetts counts her representation in the personnel of those courts as part of her judicial fame, and would not omit from her roll of honor the names of William Cushing, in his later honor as associate justice of the Supreme Court of the United States, from 1785 to 1810; Joseph Story, in the same high place, from 1811 to 1845; Benjamin R. Curtis, from 1851 to 1857, and Horace Gray, from 1882. John Lowell was judge of the district court of Massachusetts from 1789 to 1801, and chief justice of a circuit court for Maine, Massachusetts, New Hampshire and Rhode Island, in 1801 and 1802, so long as the court existed. John Davis was judge of the district court of Massachusetts from 1801 to 1841, and Peleg Sprague presided in the same court with eminent ability from 1841 to 1865. John Lowell, a great-grandson of the earlier Judge Lowell, held the position of judge of the district court of Massachusetts from 1865 to 1878, and that of circuit judge from 1878 to 1884, retiring from the bench to resume the practice of law. Thomas L. Nelson succeeded Judge Lowell as district judge in 1878, and still holds the position.

Such measure of success as the judiciary of Massachusetts has attained is due in no small degree to the fact that in the later provincial period and from the adoption of the constitution, it has always had the aid and support of an able and learned bar.













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